

## Misstating and Manipulating the Intelligence to Justify Pre-emptive War

Our investigation reveals that there was a steady stream of pressure and other forms of influence placed on intelligence and other government officials by the Bush Administration to adopt assessments supporting war with Iraq. In particular, we found that members of the Bush Administration misstated, overstated and manipulated intelligence with regard to linkages between Iraq and Al Qaeda; the acquisition of nuclear weapons by Iraq; the acquisition of aluminum tubes to be used as uranium centrifuges; and the acquisition of uranium from Niger. In this section, we will generally detail the techniques utilized by the Administration to manipulate intelligence, as well as identify several specific examples of such manipulation.

As a general matter, the record reveals that the Bush Administration engaged in several techniques to insure that the available intelligence information would be used to justify war – including the application of political pressure on intelligence officials, “stovepiping” (whereby raw and unfiltered data was forwarded directly to the White House); “cherry-picking” (by which the White House only utilized those bits of data and information, often without qualification or caveat, that supported a case for war); and selectively leaking information (including classified information) to the media.<sup>273</sup>

*“There was a great deal of pressure to find a reason to go to war with Iraq. And the pressure was not just subtle; it was blatant . . . [the official's boss] called a meeting and gave them their marching orders. And he said, “You know what? If Bush wants to go to war, it's your job to give him a reason to do so.”*

-----Fall/Winter, 2001, a CIA official working on WMD<sup>272</sup>

We know about these techniques from numerous and repeated disclosures by current and former intelligence and Administration officials. Perhaps most damaging are the candid assessments by life-long Republican and former Treasury Secretary Paul O'Neill and Secretary of State Powell's former Chief of Staff, Lawrence Wilkerson. Mr. O'Neill recounted, “If you operate in a certain way - by saying this is how I want to justify what I've already decided to do, and I don't care how you pull it off - you guarantee that you'll get faulty, one-sided information . . . [y]ou don't have to issue an edict, or twist arms, or be overt.”<sup>274</sup> Lawrence Wilkerson recently stated:

The case that I saw for four-plus years was a case I have never seen in my studies of aberrations, bastardizations, perturbations, changes to the



national security decision-making process, . . . What I saw was a cabal between the vice president of the United States, Richard Cheney, and the Secretary of Defense, Donald Rumsfeld, on critical issues that made decisions that the bureaucracy did not know were being made . . . [when a decision was presented to the bureaucracy], it was presented in such a disjointed, incredible way that the bureaucracy often didn't know what it was doing as it moved to carry them out.<sup>275</sup>



"In interagency meetings Wolfowitz treated the analysts' work with contempt."

With regard to outright pressure, a former CIA analyst described the intense pressure brought to bear on CIA analysts by the Bush Administration: "The analysts at the C.I.A. were beaten down defending their assessments. And they blame George Tenet" — the CIA director — "for not protecting them. I've never seen a government like this."<sup>276</sup>

In a similar vein, *The Washington Post* described the pressure on intelligence officials from a barrage of high-ranking Bush Administration officials:

Former and current intelligence officials said they felt a continual drumbeat, not only from Cheney and Libby, but also from Deputy Defense Secretary Paul D. Wolfowitz, Feith, and less so from CIA Director George J. Tenet, to find information or write reports in a way that would help the administration make the case that going into Iraq was urgent. "They were the browbeaters," said a former defense intelligence official who attended some of the meetings in which Wolfowitz and others pressed for a different approach to the assessments they were receiving. "In interagency meetings," he said, "Wolfowitz treated the analysts' work with contempt."<sup>277</sup>

There are numerous other instances and corroboration of this pressure. For example, on October 8, 2002, *Knight Ridder* reported that various military officials, intelligence employees, and diplomats in the Bush Administration charged "that the administration squelches dissenting views and that intelligence analysts are under intense pressure to produce reports supporting the White House's argument that Hussein poses such an immediate threat to the United States that preemptive military action is necessary."<sup>278</sup> It has also been reported that the Vice President's staff monitored the National Security Council staff in such a heavy-handed fashion that some N.S.C. staff "quit using e-mails for substantive conversations because they knew

the vice president's alternate national security staff was reading their e-mails now.”<sup>279</sup> United States Diplomat John Brady Kiesling resigned his post as a diplomat because of the flaws in the intelligence process. In his resignation letter, he cited his opposition to the “distortion of intelligence, such systematic manipulation of American opinion.”<sup>280</sup>

A CIA official working on WMD explained: “[T]here was a great deal of pressure to find a reason to go to war with Iraq.’ And the pressure was not just subtle; it was blatant. At one point in January 2003, the person’s boss called a meeting and gave them their marching orders. “And he said, ‘You know what-if Bush wants to go to war, it’s your job to give him a reason to do so’ . . . He said it at the weekly office meeting. And I just remember saying, ‘This is something that the American public, if they ever knew, would be outraged’ . . . He said it to about fifty people. And it’s funny because everyone still talks about that - ‘Remember when [he] said that.’”<sup>281</sup>

With regard to stovepiping and cherry-picking, a former intelligence aid stated: “There’s so much intelligence out there that it’s easy to pick and choose your case . . . [i]t opens things up to cherry-picking.”<sup>282</sup> Former CIA officer Robert Baer concluded on the CNN documentary *Dead Wrong*, that “the problem is the White House didn’t go to the CIA and say ‘tell me the truth,’ it said ‘give me ammunition.’”<sup>283</sup> As Spencer Ackerman and John Judis found in their article “The First Casualty,” “interviews with current and former intelligence officials and other experts reveal that the Bush administration culled from U.S. intelligence those assessments that supported its position and omitted those that did not. The administration ignored, and even suppressed, disagreement within the intelligence agencies and pressured the CIA to reaffirm its preferred version of the Iraqi threat.”<sup>284</sup>



Seymour Hersh similarly found that: “Chalabi’s defector reports were now flowing from the Pentagon directly to the Vice-President’s office, and then on to the President, with little prior evaluation by intelligence professionals.”<sup>285</sup>

Former National Security Council official, Ken Pollack, confirmed how the Bush Administration abused the intelligence process in order to justify invading Iraq, observing the Bush team had “dismantle[d] the existing filtering process that for fifty years had been preventing the policymakers from getting bad information. They



created stovepipes to get the information they wanted directly to the top leadership. Their position is that the professional bureaucracy is deliberately and maliciously keeping information from them. They always had information to back up their public claims, but it was often very bad information.”<sup>286</sup>

Similar, damaging acknowledgments of intelligence manipulations have been made by ex-CIA officials. Vincent Cannistraro, the CIA’s former head of counter-intelligence admitted, “Basically, cooked information is working its way into high-level pronouncements and there’s a lot of unhappiness about it in intelligence, especially among analysts at the CIA.”<sup>287</sup> Michael Scheuer, a CIA analyst, echoed this when he stated, “[t]here was just a resignation within the agency that we were going to war against Iraq and it didn’t make any difference what the analysis was or what kind of objections or countervailing forces there were to an invasion. We were going to war.”<sup>288</sup>

In an interview on the PBS show *Frontline*, Greg Thielmann, Director of the Strategic, Proliferation and Military Affairs Office at the State Department’s



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Intelligence Bureau, who was responsible for analyzing the Iraq’s weapon threat, accused the White House of “systematic, across-the-board exaggeration” of intelligence as it made its case that Saddam Hussein posed an imminent threat to the U.S.<sup>289</sup> He further contended that “senior officials made statements which I can only describe as dishonest.”<sup>290</sup> Mr. Thielmann has also stated that “**the American public was seriously misled. The Administration twisted, distorted, and simplified intelligence in a way that led Americans to seriously misunderstand the nature of the Iraq threat. I’m not sure I can think of a worse act against the people in a democracy than a president distorting critical classified information.**”<sup>291</sup>

It also appears that the Bush Administration engaged in an organized effort to selectively leak information to the media in order to help justify the case for war. As *Knight Ridder* reported:

*A Knight Ridder* review of the administration’s arguments, its own reporting at the time and the Senate Intelligence Committee’s 2004 report shows that the White House followed a pattern of using questionable intelligence, even documents that turned out to be forgeries, to support its case – **often leaking classified information to receptive journalists** – and dismissing information that undermined the case for war.<sup>292</sup>

This process of selective leaking appears to have had a particularly debilitating impact on the intelligence community:

A routine settled in: the Pentagon's defector reports, classified "secret," would be funneled to newspapers, but subsequent C.I.A. and INR analyses of the reports – invariably scathing but also classified – would remain secret. "It became a personality issue," a Pentagon consultant said of the Bush Administration's handling of intelligence. "My fact is better than your fact. The whole thing is a failure of process. Nobody goes to primary sources." The intelligence community was in full retreat.<sup>293</sup>

Some of the above-described techniques can be seen in two instances – the visits by the Vice President and Scooter Libby to CIA headquarters; and efforts by the Vice President and his office to influence and manipulate Secretary of State Powell's February, 2003 speech before the United Nations.

It is now well known that the Vice President himself, along with his Chief of Staff, Scooter Libby, made numerous visits to CIA Headquarters in Virginia, during which they placed even greater pressure on individual analysts to develop conclusions supporting a decision to go to war. Numerous media outlets confirmed that these visits occurred, with *The Washington Post* reporting as follows:

Vice President Cheney and his most senior aide made multiple trips to the CIA over the past year to question analysts studying Iraq's weapons programs and alleged links to al Qaeda, creating an environment in which some analysts felt they were being pressured to make their assessments fit with the Bush administration's policy objectives, according to senior intelligence officials. With Cheney taking the lead in the administration last August in advocating military action against Iraq by claiming it had weapons of mass destruction, **the visits by the Vice President and his chief of staff, I. Lewis "Scooter" Libby, 'sent signals . . . that a certain output was desired from here,' one senior agency official said yesterday . . .** The exact number of trips by Cheney to the CIA could not be learned, but one agency official described them as "multiple." They were taken in addition to Cheney's regular attendance at President Bush's morning intelligence briefings and the special briefings the vice president receives when he is at an undisclosed location for security reasons.<sup>294</sup>

Some analysts went even further in detailing the pressure placed on them by the Vice President's visits. According to former CIA officials, the visits





created a “chill factor” among those working on Iraq. There was “a kind of radical pressure” throughout 2002 and on into 2003, one former official said.<sup>295</sup>

At a hearing convened by Representative Conyers, former CIA analyst Ray McGovern testified: “But I had never known fixing to include the Vice President abrogating the right to turn a key piece of intelligence on its head. Nor had I in all those years ever known a sitting Vice President to make multiple visits to CIA headquarters to make sure the fix was in, and this is just one example.”<sup>296</sup>

The record also shows that the Bush Administration gave the Secretary of State significant amounts of biased and one-sided intelligence information and then pressured the Secretary to skew his presentation to the United Nations. Lawrence Wilkerson, Colin Powell’s Chief of Staff at the time of the speech, has stated that when the Secretary of State first received background materials for his speech from the White House: “[Powell] came through the door that morning and he had in his hand a sheaf of papers and he said this is what I’ve got to present at the United Nations according to the White House and you need to look at it . . . [i]t was anything but an intelligence document. It was, as some people characterized it later, sort of a Chinese menu from which you could pick and choose.”<sup>297</sup> Powell himself junked much of what the CIA had given him to read, reportedly calling it “bull\*\*\*\*.”<sup>298</sup>

This was followed by numerous meetings in which the Vice President’s office sought to pressure Mr. Powell to make the case for war:

The meetings [between the Vice President’s staff and the Secretary of State’s staff] stretched on for four more days and nights. Cheney’s staff constantly pushed for certain intelligence on Iraq’s alleged ties to terrorists to be included—information that Powell and his people angrily insisted was not reliable . . . Cheney and his staff had insisted that their intelligence was, in fact, well documented. **They told Powell not to worry. One morning a few days before the speech, Powell encountered Cheney in the hallway outside the Oval Office. ‘Your poll numbers are in the 70s,’ Cheney told him. ‘You can afford to lose a few points.’**<sup>299</sup>

It also has been reported that Mr. Libby was pushing so hard to include certain intelligence information in the speech that Mr. Libby called Mr. Powell’s suite at the Waldorf Astoria hotel the night before the speech. John E. McLaughlin, then-deputy director of the CIA, has testified to Congress that “much of our time in the run-up to the speech was spent taking out material . . . that we and the secretary’s staff judged to have been unreliable.”<sup>300</sup>



The eventual speech (discussed in greater length in Section III(a)(5) of this Report) “was still based on a hyped and incomplete view of U.S. intelligence on Iraq. Much of what was new in Secretary Powell’s speech was raw data that had come into the CIA’s possession but had not yet undergone serious analysis.”<sup>301</sup> Mr. Powell has admitted that he saw the incident as a “blot” on his reputation.<sup>302</sup> On national television, Secretary Powell stated, “It was painful . . . [i]t’s painful now.”<sup>303</sup>

## Links to September 11 and al Qaeda

Our investigation has found that members of the Bush Administration made numerous false statements alleging links between Iraq and al Qaeda and terrorism. Not only were those statements false, but they appear to have been accompanied by deliberate efforts to pressure and manipulate intelligence. We know this from revelations in the Downing Street Minutes, statements by current and ex-Bush Administration officials, and publicly released reports and other disclosures.

Numerous members of the Bush Administration, including the President, made false statements linking Saddam Hussein to the events of September 11 and al Qaeda. “You can’t distinguish between al Qaeda and Saddam when you talk about the war on Terror,” President Bush said on September 25, 2002.<sup>305</sup> Secretary

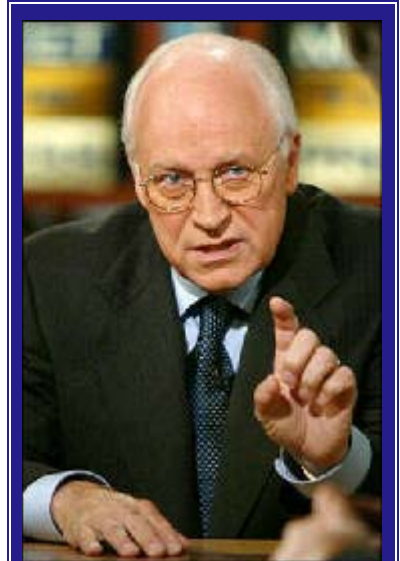
*“Wrong answer . . . . Do it Again.”*

-----Fall 2001, Richard Clarke, on *60 Minutes*, describing the reaction of the Bush White House to his report finding no connection between Iraq and the September 11 attacks.<sup>304</sup>

Rumsfeld, Secretary Powell and National Security Advisor Rice all issued misleading statements regarding this linkage as well. For example, in September 19, 2002 testimony before the Senate Armed Services Committee, the Defense Secretary claimed “We know that al Qaeda is operating in Iraq today, and that little happens in Iraq without the knowledge of the Saddam Hussein regime.”<sup>306</sup> On September 27, 2002, Secretary Rumsfeld claimed that he had “bulletproof” evidence of ties between Saddam and Al- Qaeda.<sup>307</sup> Powell also described a “potentially . . . sinister nexus between Iraq and the al Qaeda terrorist network, a nexus that combines classic terrorist organizations and modern methods of murder.”<sup>308</sup> And on September 25, 2002, Rice insisted, “There clearly are contacts between Al Qaeda and Iraq . . . There clearly is testimony that some of the contacts have been important contacts and that there’s a relationship there.”<sup>309</sup>



In particular, the Vice President made a number of false statements linking Iraq with the September 11 hijackers. Just a few months after the attacks and over a year prior to the U.S. invasion of Iraq, the Vice President appeared on *Meet the Press* on December 9, 2001 and stated: “Well, what we now have that’s developed since you and I last talked, Tim [Russert], of course, was that report that’s been pretty well confirmed, that [Mohammed Atta, one of the hijackers] . . . did go to Prague and he did meet with a senior official of the Iraqi intelligence service in Czechoslovakia last April, several months before the attack.”<sup>310</sup> Even after the invasion, on October 10, 2003, the Vice President stated that Saddam Hussein “had an established relationship with al-Qaeda.”<sup>311</sup>



“[Mohammed Atta] . . . did go to Prague and he did meet with a senior official of the Iraqi intelligence service in Czechoslovakia last April, several months before the attack’

----Dick Cheney on *Meet the Press* 12/9/01

In addition, both the President and Secretary of State Powell made false statements claiming that Iraq had trained al Qaeda members to use chemical and biological weapons. In his October 7, 2002 speech in Cincinnati, shortly before the congressional vote to authorize military action, the President stated: “We’ve learned that Iraq has trained al Qaeda members in bomb-making and poisons and deadly gases, . . . We know that Iraq and al Qaeda have had high-level contacts that go back a decade.”<sup>312</sup> In his February 5, 2003 speech before the UN, Secretary of State Powell stated: “I can trace the story of a senior terrorist operative telling how Iraq provided training in these weapons to Al-Qaeda.”<sup>313</sup> Powell also said that “[w]e are not surprised that Iraq is harboring Zargawi and his subordinates. This understanding builds on decades-long experience with respect to ties between Iraq and al-Qaida.”<sup>314</sup> In 2002, *Newsweek* disclosed that information about links between Iraq and al Qaeda came from Ibn al-Shaykh al-Libi, an aide to Osama bin Laden in US custody.<sup>315</sup>

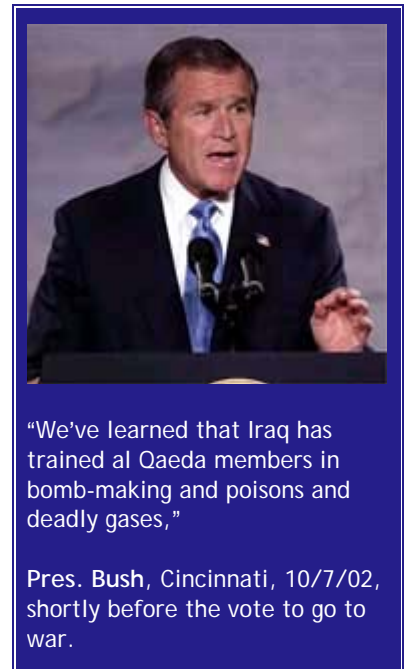
We now know that these statements were false. With respect to general linkages between Iraq and al Qaeda, on June 16, 2004, the 9-11 Commission concluded that it had found no “collaborative” relationship between Iraq and al Qaeda.<sup>316</sup> The 9-11 Commission further concluded that “[w]e have no credible evidence that Iraq and al Qaeda cooperated on attacks against the United States.”<sup>317</sup> The Senate Select Committee’s Report on Pre-War Intelligence confirmed CIA assessments that “there was no evidence proving Iraqi complicity or assistance in an al-Qaida attack” and that contacts between the two “did not add up to an established formal relationship.”<sup>318</sup> On January 28, 2004, David Kay testified before the Senate Armed Services Committee that there is no evidence of participation by either Saddam Hussein or his principal henchmen in the WMD-sharing with al Qaeda or any



other terrorist organizations.<sup>319</sup> With respect to the Vice President's allegations of meetings between Mohammed Atta and Iraqi intelligence, the 9-11 Commission concluded: "We do not believe that such a meeting occurred." The Commission cited FBI photographic and telephone evidence, Czech and U.S. investigations, and reports from detainees, including the Iraqi official with whom Atta was alleged to have met.<sup>320</sup>

As for the allegations that Iraq had trained members of al Qaeda to make bombs with poisons and deadly gases, and that they had high level contacts going back a decade, these statements were based on information provided by a top al Qaeda operative, Ibn al-Shaykh al-Libi. However, Mr. al-Libi, who was captured in Pakistan at the end of 2001, recanted his claims in January 2004. In response, a month later the CIA recalled all intelligence reports based on his statements, a fact recorded in a footnote to the report issued by the 9-11 Commission.<sup>321</sup>

Numerous public reports and information, as well as statements by current and former Bush Administration officials, indicate that the Bush Administration must have known that these misstatements were not fully supported at the time they were made, and that members of the Bush Administration had exercised political pressure so that intelligence information would support their desired conclusions.



### General Linkages Between Iraq and al Qaeda

With regard to general assertions linking Iraq with al Qaeda and terrorism, we now know that intelligence experts within the Administration questioned this linkage prior to the Iraq invasion. As detailed by Richard Clarke, former National Coordinator for Counterterrorism for the National Security Council, the President requested a report on whether Iraq was behind the September 11 attacks. Clark describes: "we got together all the F.B.I. experts, all the C.I.A. experts. We wrote the report. We sent the report out to C.I.A. and found F.B.I. and said, 'Will you sign this report?' They all cleared the report. And we sent it up to the President and it got bounced back by the National Security Advisor or Deputy. It got bounced and sent back saying, 'Wrong answer . . . Do it again.'"<sup>322</sup>

It was also recently disclosed that as early as September 21, 2001, the President knew there was no evidence tying Iraq and al Qaeda. "Ten days after the



September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon, President Bush was told in a highly classified briefing that the U.S. intelligence community had no evidence linking the Iraqi regime of Saddam Hussein to the attacks and that there was scant credible evidence that Iraq had any significant collaborative ties with al Qaeda, according to government records and current and former officials with firsthand knowledge of the matter.”<sup>323</sup> This briefing, which was confirmed by a former high-level official, was also distributed to Vice President Cheney, the President’s national security adviser and deputy national security adviser, the secretaries and undersecretaries of State and Defense, and various other senior policy makers.<sup>324</sup> The official said, “What the President was told on September 21 was consistent with everything he has been told since – that the evidence was just not there.”<sup>325</sup> It is significant that this critical briefing came before the various misstatements of Mr. Bush and other high Administration officials linking Iraq with al Qaeda.

Moreover, a June 21, 2002 CIA report titled, “Iraq and Al Qaeda: Interpreting a Murky Relationship,” stated “[o]ur knowledge of Iraqi links to Al Qaeda still contains many critical gaps” and “[s]ome analysts concur with the assessment that intelligence reporting provides ‘no conclusive evidence of cooperation on specific terrorist operations.’”<sup>326</sup>

In addition, an October 2002 NIE included key judgments regarding Saddam Hussein’s link to al Qaeda. In its section on “Confidence Levels for Selected Key Judgements in This Estimate,” the NIE gave a “Low Confidence” rating to the notion of “[w]hether in desperation Saddam would share chemical or biological weapons with Al Qa’ida.”<sup>327</sup> The NIE also reported that “Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or CBW against the United States, fearing that exposure of Iraqi involvement would provide Washington a stronger cause for making war.”

In January of 2003, the CIA issued an updated and revised version of “Iraq Support for Terrorism,” initially circulated in September 2002. The paper stated, “[t]he Intelligence Community has no credible information that Baghdad had foreknowledge of the 11 September attacks or any other al-Qaida strike.”<sup>328</sup> Specifically, the paper clearly forewarned in its “Scope Note” section that “[t]his paper’s conclusions-especially regarding the difficult and elusive question of the exact nature of Iraq’s relations with al-Qaida-are based on currently available information that is at times contradictory and derived from sources with varying degrees of reliability.”<sup>329</sup>



Michael Scheuer, a CIA analyst, described a comprehensive CIA examination of the possible linkage, which was totally disregarded by the White House. Scheuer told CNN, "Mr. Tenet, to his credit, had us go back through CIA files and we went back for almost ten years, reviewed nearly 20,000 documents, which came to 65,000 pages or more and could find no connection in the terms of a state sponsored relationship with Iraq. I believe Mr. Tenet took it downtown, but it apparently didn't have any impact."<sup>330</sup> Another former CIA agent Bob Baer also confirmed, "But there is no evidence that a strategic partnership came out of it. I'm unaware of any evidence of Saddam pursuing terrorism against the U.S."<sup>331</sup>

Finally, former senior State Department intelligence official Greg Thielmann has stated, "There was no significant pattern of cooperation between Iraq and the al Qaeda terrorist operation . . . [i]ntelligence agencies agreed on the 'lack of a meaningful connection to al Qaeda' and said so to the White House and Congress."<sup>332</sup>

There is also significant evidence that members of the Bush Administration not only knowingly made false statements regarding linkages between al Qaeda and Iraq, they also pressured intelligence officials to do the same, and on at least one occasion, caused classified information to be leaked that would help support its case.

Government reports as well as numerous admissions by Bush Administration officials and CIA personnel, confirm the extraordinary effort by the Administration to link Saddam Hussein with the September 11 attacks. In an important report in which a classified internal review of the CIA's pre-war intelligence was conducted, former Deputy Director of Central Intelligence, Richard Kerr stated publicly that:



There was a lot of pressure, no question . . . [t]he White House, State, Defense, were raising questions, heavily on W.M.D. and the issue of terrorism . . . some of the analysts felt there was pressure . . . some people in the agency will say, 'We've been pushed too hard.' Analysts will say, 'You're trying to politicize it.' There were people who felt there was too much pressure . . . they were being asked again and again to re-state their judgments-do another paper on this, repetitive pressures. Do it again.<sup>333</sup>



Kerr's conclusions were confirmed by a similar investigation conducted by the CIA Ombudsman, who told the Senate Intelligence Committee that the **"hammering" by the Bush Administration on Iraq intelligence was harder than he had previously witnessed in his 32-year career with the agency.**<sup>334</sup> A senior analyst at the Defense Intelligence Agency also testified before the Senate Intelligence Committee that he was aware of pressure being put on analysts.<sup>335</sup>

Another former official with the Bush National Security Counsel acknowledged, **"It was a classic case of rumint, rumor-intelligence plugged into various speeches and accepted as gospel."**<sup>336</sup> An official with the CIA told *The New York Times* directly that the Administration was using intelligence information in any manner to link Saddam Hussein with al Qaeda. "I remember reading the Abu Zubaydah [a top Al-Qaeda leader] debriefing last year, while the administration was talking about all of these other reports [of a Saddam-al Qaeda link], and thinking that they were only putting out what they wanted."<sup>337</sup>

FBI employees have also described the Bush Administration's willingness to manipulate intelligence linking Iraq and al Qaeda. *ABC News* reported:

At the Federal Bureau of Investigation, some investigators said they were baffled by the Bush administration's insistence on a solid link between Iraq and Osama bin Laden's network. "We've been looking at this hard for more than a year and you know what, we just don't think it's there," a government official said . . . Mr. Bush asserted in his State of the Union address this week that Iraq was protecting and aiding Qaeda operatives, but American intelligence and law enforcement officials said the evidence was fragmentary and inconclusive . . . **"It's more than just skepticism," said one official, describing the feelings of some analysts in the intelligence agencies. "I think there is also a sense of disappointment with the community's leadership that they are not standing up for them at a time when intelligence is obviously politicized . . . Based on the terrorism experts I met during my period of government, I never heard anyone make the claim that there was a significant tie between Al Qaeda and Saddam Hussein." He added, "The Bush administration . . . was misleading the public in implying there was a close connection."**<sup>338</sup>

Another source familiar with the September 11 investigation admitted: "The FBI has been pounded on to make this link."<sup>339</sup>

The attempted linkages were so attenuated that the Director of the CIA had to correct Bush Administration misstatements on numerous occasions. George Tenet



testified before the Senate Armed Services Committee that in at least three instances, he had to correct President Bush and Vice President Cheney for making misrepresentations of intelligence in their public speeches.<sup>340</sup> Tenet said he also was forced to correct Vice President Cheney for having referred to Douglas Feith's disputed memo about Iraq's connection to al Qaeda as "your best source of information."<sup>341</sup>

There is significant evidence that the Pentagon's newly created Counter Terrorism Evaluation Group (CTEG)<sup>342</sup> under Douglas Feith – which is currently under investigation for wrongdoing<sup>343</sup> – was used to place undue pressure on both the State Department and the CIA linking Iraq with al Qaeda, to cherry-pick and stovepipe such information directly to the White House, and to leak classified information regarding this linkage to the press. A *New York Times* article concluded that "for Iraq's links to al-Qaeda, Powell's staff was convinced that much of that material had been funneled directly to Cheney by a tiny, separate intelligence unit set up by Defense Secretary Donald Rumsfeld. We were so appalled at what had arrived from the White House, says one official."<sup>344</sup>

Mel Goodman, a CIA analyst for 24 years - also detailed the political pressure brought to bear on career intelligence officials: **"[Vice President Cheney] was holding forth on what he thought the situation was and why doesn't your intelligence support what we know is out there? They assumed he was referring to [Feith's] Pentagon intelligence unit that was producing stuff that was going right downtown and had much stronger claims about links between Saddam and al-Qaeda."**<sup>345</sup>

This pressure appears to have seeped all the way down to Iraqi exiles, as they were apparently advised to tailor their information to show links to terror and WMD by Iraq:

The Iraq National Congress (INC), an exile group based in London, led by Ahmad Chalabi had been supplying U.S. Intelligence with Iraqi defectors whose information had often proved suspect or fabricated. The problem with the INC was that its information came with an overt agenda. As the INC's Washington adviser, Francis Brooke, admitted, he urged the exile group to do what it could to make the case for war: **"I told them, as their campaign manager, 'Go get me a terrorist and some W.M.D., because that's what the Bush administration is interested in."**<sup>346</sup>

It was also clear to British intelligence and diplomatic personnel that the Bush Administration was pushing and manipulating intelligence to link September 11 to Saddam Hussein. For example, in the March 22, 2002 Ricketts Memo, part of the





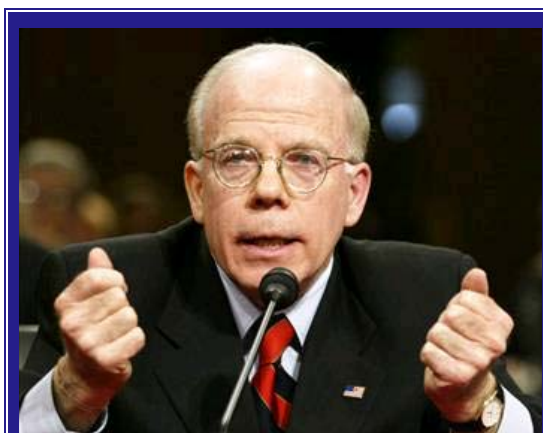
Downing Street Minutes documents, Peter Ricketts, the Political Director of the Foreign and Commonwealth Office, advised the Prime Minister on his April 2002 trip to Crawford: “US scrambling to establish a link between Iraq and Al-Aaida[sic] is so far frankly unconvincing” and “For Iraq, ‘regime change’ does not stack up. It sounds like a grudge between Bush and Saddam.”<sup>347</sup> The Downing Street Minutes also include the following admission by the UK Overseas and Defense Secretariat in the March 8, 2002 Options Paper: “In the judgement of the JIC [British Joint Intelligence Committee] there is no recent evidence of Iraq complicity with international terrorism. There is therefore no justification for action against Iraq based on action in self-defence (Article 51) to combat imminent threats of terrorism as in Afghanistan.”<sup>348</sup>

### Meeting Between Mohammed Atta and Iraqi Officials

With respect to the alleged meeting between Mohammed Atta and a senior Iraqi official in Prague, the Vice President's assertions omitted key information. The Vice President failed to acknowledge that, by late April 2002, the CIA and FBI had concluded that (1) “the meeting probably did not take place”;<sup>349</sup> (2) Czech government officials had developed doubts about whether this meeting occurred; and (3) American records indicated that Mr. Atta was in Virginia Beach, Virginia, at the time of the purported meeting.<sup>350</sup>

Administration officials also described the same type of pressure and manipulation concerning the alleged meeting between Mohammed Atta and Iraqi Intelligence. *The Washington Post* described an ongoing tug-of-war between the Vice-President's office and the CIA:

The feud had been simmering in the run-up to the Iraq war. Cheney's office kept pushing the CIA to substantiate claims by Chalabi and other defectors that would connect Iraq to al Qaeda and the Sept. 11, 2001 attacks. The vice president's office focused on a meeting that had allegedly taken place in Prague in April 2001 between Sept. 11 hijacker Mohamed Atta and Iraqi intelligence. **CIA analysts would literally measure ears and noses in surveillance photos of the alleged meeting to show that the report was phony, but Cheney's aides would tell them to go back again, and yet again.** In January 2003, the CIA



In January 2003, fed up with being assigned over and over to confirm what he regarded as phony intelligence, CIA Deputy Director John McLaughlin is said to have told Scooter Libby in heated exchange, “I’m not going back to the we on this. We’ve done our work.”

finally balked at being assigned over and over to confirm what it viewed as phony intelligence. In a heated conversation with Libby, CIA Deputy Director John McLaughlin is said to have insisted: "I'm not going back to the well on this. We've done our work."<sup>351</sup>

### **Iraq Training al Qaeda Members to Use Chemical and Biological Weapons**

We now know that the information provided by the prisoner Ibn al-Shaykh al-Libi – that Iraqis had trained Al Qaeda members to use chemical and biological weapons – was false and that the Bush Administration knew his information was not credible. This is because of the recent declassification of a key Defense Intelligence Agency document by Senator Carl Levin:

A high al Qaeda official in American custody was identified as a likely fabricator months before the Bush administration began to use his statements as the foundation for its claims that Iraq trained al Qaeda members to use biological and chemical weapons. The document, an intelligence report from February 2002, said it was probable that the prisoner, Ibn al-Shaykh al-Libi, "was intentionally misleading the debriefers" in making claims about Iraqi support for Al Qaeda's work with illicit weapons. . . the D.I.A. report noted that Mr. Libi's claims lacked specific details about the Iraqis involved, the illicit weapons used and the location where the training was to have taken place. "It is possible he does not know any further details; it is more likely this individual is intentionally misleading the debriefers," the February 2002 report said. "Ibn al-Shaykh has been undergoing debriefs for several weeks and may be describing scenarios to the debriefers that he knows will retain their interest."<sup>352</sup>

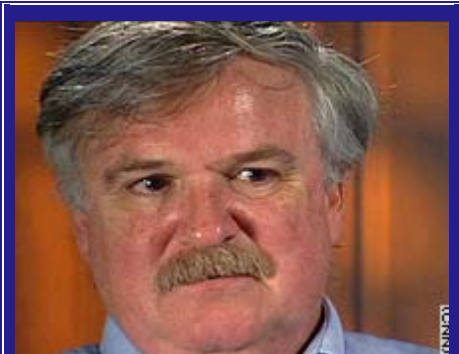
There appears to be little doubt that key Administration officials knew of this important disclosure, because as an official intelligence report, labeled DITSUM No. 044-02, it would have circulated widely within the government and would have been available to the CIA, the White House, the Pentagon and other agencies.<sup>353</sup> Nor could Secretary of State Powell have responsibly relied on al-Libi's information given that a classified CIA assessment at the time stated that "the source [al-Libi] was not in a position to know if any training had taken place."<sup>354</sup> According to *The New York Times*, the misinformation came from a detainee "identified as a likely fabricator" months before the Bush Administration began to use his statements as the foundation for its claims that Iraq trained al Qaeda members to use biological and chemical weapons.<sup>355</sup>

The declassified DIA document also reveals that the President's and Secretary of State Powell's claims of a "decade" long relationship between Iraq and al Qaeda



were completely inappropriate given that the DIA's declassified February 2002 report points out that "Saddam's regime is intensely secular and wary of Islamic revolutionary movements."<sup>356</sup> Moreover, Baghdad is unlikely to provide assistance to a group it cannot control."<sup>357</sup>

FBI anti-terrorism expert, Dan Coleman, observed that "[i]t was ridiculous for interrogators to think Libi would have known anything about Iraq."<sup>358</sup> He went on to say: "I could have told them that. He ran a training camp. He wouldn't have had anything to do with Iraq. Administration officials were always pushing us to come up with links, but there weren't any."<sup>359</sup>



"It was ridiculous for interrogators to think Libi would have known anything about Iraq....Administration officials were always pushing us to come up with links [between al Qaeda and Iraq], but there weren't any."

---- FBI Anti-terrorism expert Dan Coleman

Another reason to question the credibility of the Bush Administration's statements relying on al-Libi's disclosure is that the Administration knew that his information flowed directly from a harsh interrogation. Current and former government officials have recently admitted that al-Libi stated that he had fabricated his statements to escape harsh treatment. The officials noted that al-Libi provided his most specific and elaborate accounts about ties between Iraq and al Qaeda only after he was secretly handed over to Egypt by the United States in January 2002, in a process known as rendition.<sup>360</sup>

### Resumed Efforts to Acquire Nuclear Weapons

Numerous members of the Bush Administration made a variety of claims to the effect that Iraq had and was attempting to acquire nuclear weapons. Most notably, Vice President Dick Cheney stated on *Meet the Press* on March 16, 2003, shortly before the war, that "we know [Saddam] has been absolutely devoted to trying to acquire nuclear weapons. And we believe he has, in fact, reconstituted nuclear weapons."<sup>361</sup> This was not the first time Mr. Cheney made these claims. On August 26, 2002, Mr. Cheney said, "[w]e now know that Saddam has resumed his efforts to acquire nuclear weapons."<sup>362</sup> Mr. Cheney went on to say that "[a]mong other sources, we've gotten this from firsthand testimony from defectors, including Saddam's own son-in-law."<sup>363</sup>

In addition, in his October 7, 2002, speech in Cincinnati, on the eve of congressional votes on the Iraq war resolution, the President stated, "America must not ignore the threat gathering against us. Facing clear evidence of peril, we cannot wait for the final proof -- the smoking gun -- that could come in the form of a mushroom cloud."<sup>364</sup> At a September 7, 2002 meeting at Camp David with Prime

Minister Blair, President Bush declared that a new “report came out of the . . . IAEA, that they [Iraqis] were six months away from developing a weapon. I don't know what more evidence we need.”<sup>365</sup> In his February 2003 presentation before the UN, when considering whether Iraq had reconstituted a nuclear program, Secretary Powell unequivocally stated, “there is no doubt in my mind.”<sup>366</sup> Similar statements were made by National Security Director Rice,<sup>367</sup> Secretary Rumsfeld,<sup>368</sup> and Vice President Cheney.<sup>369</sup>

*“We still knew enough, [and] we could watch pretty closely what was happening.”*

-----According to one CIA analyst describing events in 2002, US intelligence showed precious little evidence to indicate a resumption of Iraq's nuclear program, as Tenet's early 2002 threat assessments had indicated.<sup>370</sup>

These statements were all false and misleading. On October 2, 2003, David Kay reported that “we have not uncovered evidence that Iraq undertook significant post-1998 steps to actually build nuclear weapons or produce fissile material.”<sup>371</sup> In his January 28, 2004, testimony before the Senate Armed Services Committee, Dr. Kay reported that “[a]s best as has been determined . . . in 2000 they had decided that their nuclear establishment had deteriorated to such point that it was totally useless.”<sup>372</sup> He concluded that there was “no doubt at all” that Iraq had less of an ability to produce fissile material in 2001 than in 1991.<sup>373</sup> The July 7, 2004 report of the Senate Intelligence Committee concluded that “the judgment in the National Intelligence Estimate (NIE), that Iraq was reconstituting its nuclear program, was not supported by the intelligence. The Committee agrees with the State Department's Bureau of Intelligence and Research (INR) alternative view that the available intelligence “does not add up to a compelling case for reconstitution.”<sup>374</sup>

## General Assertions

Beyond making false and misleading statements about Iraq's attempt to acquire nuclear weapons, the record shows that the Bush Administration must have known that these statements conflicted with known international and domestic intelligence at the time. As early as 2000, the intelligence community recognized that Iraq was not a nuclear threat to the United States. For example, the IAEA reported in 1999 that there was “no indication that Iraq possesses nuclear weapons or any meaningful amounts of weapon-usable nuclear material, or that Iraq has retained any practical capability (facilities or hardware) for the production of such material.”<sup>375</sup> Again, in March 2003, IAEA Director-General Mohamed ElBaradei reported to the U.N. Security Council that weapons inspectors had not found any evidence that Iraq was “reconstituting its nuclear program.”<sup>376</sup>



At the same time, British Intelligence also had not identified any nuclear threat emanating from Iraq. For example, *Newsweek* found that two high ranking British Officials confirmed that by 2002, Iraq's nuclear weapons program was "effectively frozen" and there was "no recent evidence" tying Iraq to international terrorism, notwithstanding the Administration's claims to the contrary.<sup>377</sup>

United States intelligence information on this point was no stronger. For example, the pre-2002 CIA assessments of nuclear proliferation worldwide did not cite any specific nuclear threat from Iraq.<sup>378</sup> At that time, as detailed in the Senate Select Committee on Intelligence Report, the intelligence community had come to a general consensus that "Iraq did not appear to have reconstituted its nuclear weapons program."<sup>379</sup>

The State Department's Bureau of Intelligence and Research (INR) also did not support a credible case for Iraq reacquiring nuclear weapons. The Bureau found, "[t]he activities we have detected do not, however, add up to a compelling case that Iraq is currently pursuing what INR would consider to be an integrated and comprehensive approach to acquire nuclear weapons."<sup>380</sup> INR also stated that, "[l]acking persuasive evidence that Baghdad has launched a coherent effort to reconstitute its nuclear weapons program, INR is unwilling to speculate that such an effort began soon after the departure of UN inspectors."<sup>381</sup>

The December 2001 NIE clearly stated that Iraq did not have nuclear weapons and was not attempting to obtain them. In fact, the December 2001, unlike the October 2002 NIE, was conclusive on this point and contained no dissents regarding Iraq's nuclear capability.<sup>382</sup>

This lack of hard evidence of a nuclear threat from Iraq appears to have led the Bush Administration to pressure intelligence agencies and sources to find a nuclear link. As John Judis and Spencer Ackerman of *The New Republic* wrote:

within the administration, Tenet and the CIA came under an entirely different kind of pressure: Iraq hawks in the Pentagon and in the vice president's office, reinforced by members of the Pentagon's semi-official Defense Policy Board, mounted a year-long attempt to pressure the CIA to take a harder line against Iraq . . . on the status of its nuclear program. The intelligence community was . . . pressured to exaggerate Iraq's nuclear program. As Tenet's early 2002 threat assessments had indicated, U.S. intelligence showed precious little evidence to indicate a resumption of Iraq's nuclear program. And, while the absence of U.N. inspections had introduced greater uncertainty into





intelligence collection on Iraq, according to one analyst, “We still knew enough, [and] we could watch pretty closely what was happening.”<sup>383</sup>

Also, two senior policymakers stated in unauthorized interviews that the Bush Administration greatly overstated the short-term dangers of Iraq’s nuclear potential. “I never cared about the ‘imminent threat,’” said one of the policymakers with directly relevant responsibilities.<sup>384</sup> “To me, just knowing what it takes to have a nuclear weapons program, he needed a lot of equipment. You can stare at the yellowcake [uranium ore] all you want. You need to convert it to gas and enrich it. That does not constitute an imminent threat, and the people who were saying that, I think, did not fully appreciate the difficulties and effort involved in producing the nuclear material and the physics package.”<sup>385</sup>

### Claims Regarding Hussein’s Son-in-Law

Although Saddam Hussein’s son-in-law, Hussein Kamel al-Majid, had made claims that Iraq had resumed its nuclear weapons program between the time of the Gulf War and Kamel’s defection in 1995, the Administration was aware that these claims directly conflicted with numerous sources at the time. In fact, Kamel’s statements were a prime concern of UNSCOM and the IAEA. In agency debriefing notes, Professor Maurizio Zifferero of the IAEA expressed that: “It was of great importance for the IAEA to listen to the Minister’s [Kamel’s] explanations on the full abandonment of the nuclear weapons programme by Iraq.”<sup>386</sup> Furthermore, in a September 4, 1995 report, the IAEA declared that Kamel had admitted that since the Gulf War, Iraq had not resumed its attempts to acquire nuclear weapons:



Throughout the buildup to the war, Dick Cheney cited Saddam’s son-in-law as a source providing intelligence that Iraq had resumed its pursuit of nuclear weapons. The problem? The son-in-law was assassinated by Saddam in 1996. And before he died? He defected and told US intelligence that he dismantled Iraq nuclear program.

An IAEA delegation, headed by the leader of the Action Team, went to Baghdad and held a round of talks with the Iraqi authorities, from 17 to 20 August 1995 . . . General Hussein Kamel’s statement [of August 22, 1995] was compatible with statements made in the Baghdad talks, that all nuclear weapons related activities had effectively ceased at the onset of the attack on Iraq by the coalition forces.<sup>387</sup>

*The Washington Post* also had reported that known intelligence contradicted any statement made by Kamel that Iraq was engaging in nuclear weapons activity:



But Saddam Hussein lured Kamel back to Iraq, and he was killed in February 1996, so Kamel could not have sourced what U.S. officials “now know.” And Kamel's testimony, after defecting, was the reverse of Cheney's description. In one of many debriefings by U.S., Jordanian and U.N. officials, Kamel said on Aug. 22, 1995, that Iraq's uranium enrichment programs had not resumed after halting at the start of the Gulf War in 1991. According to notes typed for the record by U.N. arms inspector Nikita Smidovich, Kamel acknowledged efforts to design three different warheads, “but not now, before the Gulf War.” The U.S. government possessed no specific information on Iraqi efforts to acquire enriched uranium, according to six people who participated in preparing for the estimate. It knew only that Iraq sought to buy equipment of the sort that years of intelligence reports had said “may be” intended for or “could be” used in uranium enrichment.<sup>388</sup>

In October, 2004 *The New York Times* published similar conclusions:

In his Nashville speech, Mr. Cheney had not mentioned the aluminum tubes or any other fresh intelligence when he said, “We now know that Saddam has resumed his efforts to acquire nuclear weapons.” The one specific source he did cite was Hussein Kamel al-Majid, a son-in-law of Mr. Hussein's who defected in 1995 after running Iraq's chemical, biological and nuclear weapons programs. But Mr. Majid told American intelligence officials in 1995 that Iraq's nuclear program had been dismantled. What's more, Mr. Majid could not have had any insight into Mr. Hussein's current nuclear activities: he was assassinated in 1996 on his return to Iraq.<sup>389</sup>

### Statement that Iraq Was Six Months from Obtaining a Nuclear Weapon

With respect to President Bush's September 7, 2002 statement regarding a new IAEA Report stating that Iraq was six months from developing a nuclear weapon, we now know that there was no new IAEA Report. As *The Washington Post* reported, “There was no new IAEA report. . . . Bush cast as present evidence the contents of a report from 1996, updated in 1998 and 1999. In those accounts, the IAEA described the history of an Iraqi nuclear weapons program that arms inspectors had systematically destroyed.”<sup>390</sup> Even the Bush Administration's after-the-fact efforts to claim that the President meant to reference United States intelligence, not the IAEA, make little sense. Prime Minister Blair was referring to an IAEA Report at the same press conference and “U.S. intelligence reports had only one scenario for an Iraqi bomb in six months to a year, premised on Iraq's immediate acquisition of enough plutonium or enriched uranium from a foreign source.”<sup>391</sup>



## Aluminum Tubes

The Bush Administration also misstated and unjustly overstated intelligence with regard to the charge that Iraq was acquiring aluminum tubes that could only be used as uranium centrifuges.

*"[if Iraq was really trying to make centrifuges out of the aluminum tubes] we should just give them the tubes . . . [you could also] turn your new Yugo into a Cadillac, given enough time and energy and effort"*<sup>392</sup>

-----Energy Department analyst testimony before the Senate Intelligence Committee

For example, in September 2002, Vice President Cheney stated that "it is now public that, in fact, he [Saddam] has been seeking to acquire, and we have been able to intercept and prevent him from acquiring through this particular channel, the kinds of [aluminum] tubes that are necessary to build a centrifuge . . . We do know, with absolute certainty, that [Saddam Hussein] is using his procurement system to acquire the equipment he needs in order to enrich uranium to build a nuclear weapon."<sup>393</sup> Also in September 2002, on an appearance on *Meet the Pres*, Mr. Cheney said he knew "in fact" and "with absolute certainty" that Mr. Hussein was buying equipment to build a nuclear weapon.<sup>394</sup> That same day, then National Security Advisor Condoleezza Rice told CNN that: "We do know that there have been shipments going into . . . Iraq, for instance, of aluminum tubes that really are only suited to - high quality aluminum tools that are only really suited for nuclear weapons programs, centrifuge programs."<sup>395</sup> In addition, Secretary of State Powell asserted to the Security Council that the tubes were manufactured to a tolerance "that far exceeds U.S. requirements for comparable rockets."<sup>396</sup> The uranium centrifuge claim was also made by President Bush.<sup>397</sup>

These statements have proved to be both false and misleading. First, on January 27, 2003, the IAEA concluded that the aluminum tubes "would be consistent with the purpose stated by Iraq and, unless modified, would not be suitable for manufacturing centrifuges."<sup>398</sup> The Iraq Survey Group also did not find evidence that the tubes were intended for nuclear use. In his January 28, 2004, testimony, Dr. Kay announced: "It is my judgment, based on the evidence that was collected . . . that it's more probable that those tubes were intended for use in a conventional missile program, rather than in a centrifuge program."<sup>399</sup> In addition, the July 7, 2004 report of the Senate Intelligence Committee concluded that "the information available to the



Intelligence Community indicated that these tubes were intended to be used for an Iraqi conventional rocket program and not a nuclear program.”<sup>400</sup>

It is now clear that the Bush Administration was aware that these claims regarding the tubes were not only controversial, but also did not stand up to the clear weight of authority from the U.S. and international intelligence communities. The claims were premised on the views of a single, isolated CIA analyst<sup>401</sup> and were contradicted by an overwhelming number of reviews by other credible weapons experts, including those at the Energy Department, the State Department, the Department of Defense, as well as international and outside experts and agencies.

First, there are numerous reports from the Department of Energy that contain information directly contradicting the Bush Administration’s contentions.

For example, the Energy Department, the agency responsible for constructing centrifuges and operating the nation’s nuclear weapons facilities, learned that on April 10, 2001, an individual identified as “Joe” at the CIA had told senior members of the Administration that the tubes “have little use other than for a uranium enrichment program.”<sup>402</sup> The next day the Department was able to rebut the assertions by identifying a number of reasons why the tubes were not appropriate for centrifuges: **“Simply put, the analysis concluded that the tubes were the wrong size - too narrow, too heavy, too long - to be of much practical use in a centrifuge.** What was more, the analysis reasoned, if the tubes were part of a secret, high-risk venture to build a nuclear bomb, why were the Iraqis haggling over prices with suppliers all around the world? And why weren’t they shopping for all the other sensitive equipment needed for centrifuges?”<sup>403</sup>

The next month, the Department of Energy analysts went even further, explaining that while the tubes were not suitable for uranium centrifuges, they could easily be used to construct conventional rockets.<sup>404</sup> Many of these concerns were published on May 9, 2001, in the Energy Department’s Daily Intelligence Highlight on Intelink, a Web site for the intelligence community and the White House.<sup>405</sup> Among other things, the Energy Department reported, “Iraq had for years used high-strength aluminum tubes to make combustion chambers for slim rockets fired from launcher pods . . . The tubes now sought by Iraq had precisely the same dimensions - a perfect match.”<sup>406</sup>

Additional evidence was developed by the Energy Department in the summer of 2001, after the U.S. government seized a shipment of aluminum tubes in Jordan destined for Iraq.<sup>407</sup> The Energy Department quickly assembled a team of its top nuclear scientists,<sup>408</sup> who analyzed the aluminum tubes and found them to be consistent for use with standard rockets. On Aug. 17, 2001, the team published a



comprehensive analysis further elaborating concerns regarding the tubes' suitability for centrifuges:

First, in size and material, the tubes were very different from those Iraq had used in its centrifuge prototypes before the first gulf war. Those models used tubes that were nearly twice as wide and made of exotic materials that performed far better than aluminum. **“Aluminum was a huge step backwards,”** Dr. Wood recalled. **In fact, the team could find no centrifuge machines “deployed in a production environment” that used such narrow tubes. Their walls were three times too thick for “favorable use” in a centrifuge, the team wrote.** They were also anodized, meaning they had a special coating to protect them from weather. Anodized tubes, the team pointed out, are “not consistent” with a uranium centrifuge because the coating can produce bad reactions with uranium gas.”<sup>409</sup>

By the end of 2001, Energy Department experts produced an even more definitive analysis rebutting the contention that the aluminum tubes being procured by Iraq could be used for the production of nuclear weapons. According to the WMD commission:

[A]nalysts from CIA's Weapons Intelligence, Non-Proliferation, and Arms Control Center (WINPAC) sought the assistance of the DOE National Laboratories – specifically, Oak Ridge National Laboratory – to test the tubes. The Oak Ridge laboratory concluded that, while it was technically possible to enrich uranium using tubes of the diameter the Iraqis were seeking, it would be suboptimal to do so . . . the tubes Iraq was seeking were so suboptimal for uranium enrichment that it would have taken many thousands of them to produce enough uranium for a weapon--and although Iraq was in fact seeking thousands of tubes, DOE assessed it would have been **highly unlikely for a proliferator to choose a route that would require such a large number of machines.**<sup>410</sup>

In other words, the analysts had found it would be so difficult, expensive and time consuming for Iraq to use these aluminum tubes for nuclear weapons that the likelihood could be discounted entirely. As one Energy Department analyst told Senate Intelligence Committee investigators, if Iraq really wanted to use these tubes for uranium production, “we should just give them the tubes.”<sup>411</sup> While there may have been some infinitesimal theoretical possibility, it was so remote that an Energy Department analyst later likened it to “turn[ing] your new Yugo into a Cadillac.”<sup>412</sup>





Other agencies within the Administration also found the claim that the aluminum tubes could be credibly used for the production of weapons grade uranium to be lacking, including the State and Defense Departments.<sup>413</sup> In the NIE, the State Department explained: “The very large quantities being sought, the way the tubes were tested by the Iraqis, and the atypical lack of attention to operational security in the procurement efforts are among the factors, in addition to the DOE assessment, that lead INR to conclude that **the tubes are not intended for use in Iraq’s nuclear weapons program.**”<sup>414</sup> The NIE went on to conclude, “INR considers it far more likely that the tubes are intended for another purpose, most likely the production of artillery rockets.”<sup>415</sup>

It has also been reported that shortly before Secretary Powell’s UN presentation on this matter, the State Department explicitly warned him not to assert the aluminum tubes claim: “[I]n a memo written two days [before his UN speech] Mr. Powell’s intelligence experts had specifically cautioned him about those very same words. ‘In fact,’ they explained, ‘the most comparable U.S. system is a tactical rocket - the U.S. Mark 66 air-launched 70-millimeter rocket - that uses the same, high-grade (7075-T6) aluminum, and that has specifications with similar tolerances.’”<sup>416</sup>

Defense Department experts also found the aluminum tubes to be consistent with use as rockets, not nuclear weapons production. When the CIA asked Pentagon engineers to review the Iraqi tubes, they found the tubes “were perfectly usable for rockets.”<sup>417</sup>

British intelligence experts also found it far-fetched that the Iraqi aluminum tubes could be used for nuclear weapons. **They believed the tubes would require “substantial re-engineering” to work in centrifuges**, according to Britain’s review of its prewar intelligence. Their experts found it “paradoxical” that Iraq would order such finely crafted tubes only to radically rebuild each one for a centrifuge.<sup>418</sup>

The highly respected Institute for Science and International Security also issued a series of lengthy reports using non-classified data to rebut the contention that the aluminum tubes could be used for nuclear weapons production. The first of these reports was issued on September 23, 2002,<sup>419</sup> but it received no credence or even a response by the Bush Administration.

The IAEA also scrutinized the claims that Iraq’s aluminum tubes could be used to manufacture weapons-grade uranium:

[IAEA head Jack] Baute . . . made quick work of the aluminum tubes. He assembled a team of experts--two Americans, two Britons, and a German--with 120 years of collective experience with centrifuges. After



reviewing tens of thousands of Iraqi transaction records and inspecting Iraqi front companies and military production facilities with the rest of the IAEA unit, they concluded, according to a senior IAEA official, that 'all evidence points to that this is for the rockets'--the same conclusion reached by the State and Energy Departments.<sup>420</sup>

As *The New York Times* reported, "Unlike 'Joe,' experts at the international agency had worked with Zippe centrifuges, and they spent hours with him explaining why they believed his analysis was flawed. They pointed out errors in his calculations. They noted design discrepancies. They also sent reports challenging the centrifuge claim to American government experts through the embassy in Vienna, a senior official said."<sup>421</sup> The Bush Administration sought to convince the IAEA that their analysis was flawed, but to little avail. On January 22, 2003, "'Joe' of the CIA flew to Vienna to argue his case before the international body."<sup>422</sup> His presentation was weak and unpersuasive. As one participant in the meeting recalled: Everybody was embarrassed when he came and made this presentation, embarrassed and disgusted. . . We were going insane, thinking, 'Where is he coming from?'" <sup>423</sup>

It is also important to note that even the CIA, which nominally supported the Administration's charges regarding Iraq's use of the tubes for nuclear weapons, had a long detailed history noting that these charges were not without controversy or caveat. Consider the following:

- A June 20, 2001 CIA paper found the tubes were "more consistent" with a centrifuge application, but "we are also considering non-nuclear applications for the tubes."<sup>424</sup>
- A June 30, 2001 CIA paper found that if Iraq claimed the tubes had a conventional use, "that cannot be discounted."<sup>425</sup>
- A November 24, 2001 CIA paper described "divergent views" about the tubes' intended use.<sup>426</sup>
- Toward the end of 2001, according to the WMD report, "the CIA informed senior policymakers that it believed the tubes were destined for use in Iraqi gas centrifuges," but noted "that there was disagreement within the Intelligence Community concerning the most likely use for the tubes."<sup>427</sup>
- An August 1, 2002 CIA memo found the tubes were "suitable" for uranium enrichment but included a text box with possible other uses.<sup>428</sup>



Despite the tremendous weight of evidence indicating that the aluminum tubes being procured by Iraq were not realistically usable for uranium, the Bush Administration never the less adopted and persisted in relying on this argument. One congressional investigator described the debate as a “holy war,”<sup>429</sup> while an intelligence analyst stated: **“You had senior American officials like Condoleezza Rice saying the only use of this aluminum really is uranium centrifuges. She said that on television. And that's just a lie.”**<sup>430</sup>

It is clear from our investigation that intense political pressure played a role in this decision, as well as cherry-picking and using only intelligence that supported a decision to invade Iraq. Our investigation also shows that the Bush Administration further manipulated the intelligence regarding the aluminum tubes by selectively leaking confidential information and by selectively declassifying information that supported its pre-determined position.

We know of the intense pressure to adopt the Administration's claims that the aluminum tubes were to be used as centrifuges because of explicit admissions by Bush Administration officials. For example, intelligence analysts informed members of the Senate Intelligence Committee, **“There's so much pressure, you know, they keep telling us, go back and find the right answer.”**<sup>431</sup> Another source learned that Energy Department personnel were pressured to silence their criticisms of the Administration's aluminum tubes theory, with one expert at the Department's Lawrence Livermore National Laboratory in California saying, “The Administration can say what it wants and we are expected to remain silent.”<sup>432</sup> Yet another Energy Department rocket engineer complained that the proponents “had ‘an agenda’ and were trying ‘to bias us’ into agreeing that the Iraqi tubes were not fit for rockets.”<sup>433</sup>

As David Barstow, William J. Broad, and Jeff Gerth summarized in their report in *The New York Times*, when it came to the issue of the aluminum tubes, “[s]enior administration officials repeatedly failed to fully disclose the contrary views of America's leading nuclear scientists . . . [t]hey sometimes overstated even the most dire intelligence assessments of the tubes, yet minimized or rejected the strong doubts of nuclear experts. They worried privately that the nuclear case was weak, but expressed sober certitude in public. One result was a largely one-sided presentation to the public that did not convey the depth of evidence and argument against the administration's most tangible proof of a revived nuclear weapons program in Iraq.”<sup>434</sup>

Our investigation has also found that classified intelligence information supporting the Bush Administration's position regarding the aluminum tubes was leaked to the press. For example, on Sunday, September 8, 2002, the lead story in *The New York Times*, written by Judith Miller and Michael R. Gordon, quotes



“anonymous” Administration officials as stating that “Iraq has stepped up its quest for nuclear weapons and has embarked on a worldwide hunt for materials to make an atomic bomb.”<sup>435</sup> The article goes on to source “administration officials” for the proposition that “[i]n the last 14 months, Iraq has sought to buy thousands of specially designed aluminum tubes, which American officials believe were intended as components of centrifuges to enrich uranium” and that “[t]he diameter, thickness and other technical specifications of the aluminum tubes had persuaded American intelligence experts that they were meant for Iraq’s nuclear program.”<sup>436</sup>

Subsequent media accounts have traced the story, at least in part to Paul Wolfowitz:

In the summer of 2002, [Deputy Defense Secretary Paul] Wolfowitz convened a secret meeting [concerning the tubes] in his office with Francis Brooke, the I.N.C. adviser, and Khidir Hamza, a former chief of Saddam’s nuclear program, who had defected to America in 1994 . . . **Wolfowitz circulated his conclusions to his administration allies. A few days later, the story of the ‘nuclear’ tubes was leaked to *The New York Times*, where it landed on the front page.**<sup>437</sup>

On the CNN Documentary, *Dead Wrong*, an anonymous source characterized the dissemination of this biased and slanted information to Miller and Gordon as “official leaking”: “I would call it official leaking because I think these were authorized conversations between the press and members of the intelligence community that further misreported the nature of the intelligence community’s disagreement on this issue.”<sup>438</sup>

Our investigation has also learned that administration officials appear to have leaked classified information to the press well before the *New York Times* article. A July 29, 2002 article in the *Washington Times*, titled “Iraq Seeks Steel for Nukes” reported:

Procurement agents from Iraq’s covert nuclear-arms program were detected as they tried to purchase stainless-steel tubing, uniquely used in gas centrifuges and a key component in making the material for nuclear bombs, from an unknown supplier, said administration officials familiar with intelligence reports . . . **U.S. intelligence agencies believe the tubing is an essential component of Iraq’s plans to enrich radioactive uranium to the point where it could be used to fashion a nuclear bomb . . .** The covert nuclear-acquisition effort was detected in mid-June, and reports about the activities were then circulated to senior



Bush administration policy officials. "This is only one sign that Iraq is reconstituting its nuclear-weapons program," one official said.<sup>439</sup>

The coordinated leak campaign involved the very highest levels of the Bush Administration. It began on the eve of the first anniversary of the September 11 attacks when numerous high level officials appeared on the Sunday talk shows to highlight the aluminum tube "discovery." Among other things:

- Condoleezza Rice stated: "[Iraq has obtained] high quality aluminum tubes that are only really suited for nuclear weapons programs, centrifuge programs" and "We don't want the smoking gun to be a mushroom cloud."<sup>440</sup>
- Vice President Dick Cheney stated: "I do know with absolutely certainty that he is using his procurement system to acquire the equipment he needs to enrich uranium to build a nuclear weapon"<sup>441</sup>
- Donald Rumsfeld stated: "Imagine a September 11 with weapons of mass destruction."<sup>442</sup>

It was the leak to *The New York Times* that enabled Bush Administration officials to even have these specific discussions on the Sunday talk shows. As *Knight Ridder* explained, "[the leaks] appearance in the nation's most influential paper also gave Cheney and Rice an opportunity to discuss the matter the same day on the Sunday television talk shows. They could discuss the article, but otherwise they wouldn't have been able to talk about classified intelligence in public."<sup>443</sup> Former NSC official Rand Beers observed that, "[a]s they [the Bush Administration] embellished what the intelligence community was prepared to say and as the press reported that information, it began to acquire its own sense of truth and reality."<sup>444</sup>

The September 8, 2002 leak to Miller and Gordon was not the only example of such selective leaking. The Administration went so far as to note and then dismiss the intra-Administration debate concerning the tubes in a September 13, 2002 leak to *The New York Times*. A *New York Times* article that day quoted an unnamed senior administration official dismissing the tubes debate as a "footnote, not a split."<sup>445</sup> Citing another unnamed administration source, the article reported that the "best technical experts and nuclear scientists at laboratories like Oak Ridge supported the CIA assessments."<sup>446</sup>



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The leak even went so far as to misrepresent the various agencies' position on the tubes debate, as the article reported the administration officials as claiming "it was the intelligence agencies' unanimous view that the type of tubes that Iraq has been seeking are used to make such centrifuges" and "[t]he Defense Intelligence Agency and the National Security Agency support the C.I.A. view, the officials said."<sup>447</sup> These claims, as we now know, were false.

The Bush Administration went even further to guarantee that its selective and one-sided leaking would go unchallenged - by muzzling anyone within the Administration who would expose any contrary views. On September 13, the day *The New York Times* article appeared, the Energy Department forwarded a directive forbidding employees from discussing the tubes matter with reporters.<sup>448</sup>

The Bush Administration also selectively declassified information regarding the aluminum tubes to support its case for war. This can be seen in the October 1, 2002 declassified NIE, which left out the views of those in the Administration who questioned the ability of Iraq to use the tubes as uranium centrifuges:

On October 1, 2002, Tenet produced a declassified NIE. But Graham and Durbin were outraged to find that it omitted the qualifications and countervailing evidence that had characterized the classified version and played up the claims that strengthened the administration's case for war. For instance, the intelligence report cited the much-disputed aluminum tubes as evidence that Saddam "remains intent on acquiring" nuclear weapons. And it claimed, "All intelligence experts agree that Iraq is seeking nuclear weapons and that these tubes could be used in a centrifuge enrichment program"—a blatant mischaracterization. Subsequently, the NIE allowed that "some" experts might disagree but insisted that "most" did not, never mentioning that the DOE's expert analysts had determined the tubes were not suitable for a nuclear weapons program.<sup>449</sup>

*"They got pounded on, day after day, . . . and received no consistent backup from Tenet and his senior staff. 'Pretty soon you say F\*\*\* it.' And they began to provide the intelligence that was wanted."*

-----2002 statement by a senior CIA Analyst<sup>450</sup>

## Acquisition of Uranium from Niger



The Bush Administration also made numerous misstatements regarding the charge that Iraq had sought to acquire a form of uranium from Niger known as “yellow cake,” which could be converted into nuclear weapons grade uranium. The record indicates that the Bush Administration made these charges without building any sort of credible foundation, and did so notwithstanding overwhelming intelligence and information to the contrary.

In his January 2003 State of the Union Address, President Bush stated, “the British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.”<sup>451</sup> On January 20, 2003, President Bush made a written statement to Congress that Iraq’s report to the UN “failed to deal with issues which have arisen since 1998 including . . . attempts to acquire uranium and the means to enrich it.”<sup>452</sup> Also, on January 26, 2003, Secretary Powell, speaking at the World Economic Forum in Davos, Switzerland, asked, “Why is Iraq still trying to procure uranium?”<sup>453</sup> In a January 23, 2003 Op-Ed column in *The New York Times*, Condoleezza Rice wrote that the “false declaration . . . fails to account for or explain Iraq’s efforts to get uranium from abroad.”<sup>454</sup> On January 29, 2003, Secretary of Defense Donald Rumsfeld stated at a press conference that Hussein’s “regime has the design for a nuclear weapon, was working on several different methods of enriching uranium, and recently was discovered seeking significant quantities from Africa.”<sup>455</sup>

The Secretary of Defense, in Congressional testimony, also claimed that Saddam was “aggressively pursuing nuclear weapons.”<sup>456</sup> In a discussion about Iraq with Congressional leaders, as the President was providing Members of Congress with information to justify his request for an authorization to use force in Iraq, President Bush flatly declared that Saddam was seeking nuclear materials and could build a nuclear bomb “within a year.”<sup>457</sup>



Mohammed ElBaradei, head of the International Atomic Energy Agency, informed the UN Security Council on March 7, 2003, that the Italian documents, “which formed the basis for the reports of recent uranium transactions between Iraq and Niger – are not in fact authentic.”

These statements were not true. On March 7, 2003, the head of the IAEA, Dr. Mohammed ElBaradei, informed the UN Security Council that the Italian Documents, “which formed the basis for the reports of recent uranium transactions between Iraq and Niger – are in fact not authentic.”<sup>458</sup> Six months after the President’s State of the Union speech, on July 7, 2003, the White House finally

confirmed that the President's assertion that Iraq tried to buy uranium from Africa was based on unsubstantiated, and possibly false, information. Ari Fleischer, then-White House Press Secretary, stated, "But specifically on the yellow cake, the yellow cake for Niger, we've acknowledged that that information did turn out to be a forgery."<sup>459</sup> The White House also admitted that the information "should not have risen to the level of a presidential speech."<sup>460</sup>

A review of the record indicates that these charges were elevated and made public because of cherry-picking and pressure by the Bush Administration on intelligence officials, and also that the charges were contradicted by the overwhelming weight of intelligence information.

First, the public record demonstrates that the Bush Administration was willing to elevate, without adequate scrutiny, the allegations that Iraq was attempting to obtain uranium from Niger. It has been reported that shortly after September 11, 2001, U.S. and British governments received, at the behest of the Italian Premier, information from Italy's Military Intelligence and Security Service (SISMI) suggesting that an Iraqi Ambassador had sought to acquire uranium from Niger.<sup>461</sup> Mr. Berlusconi was eager to help President Bush in his search for arguments for war. According to *The New York Times*, "an Italian paper," *La Repubblica*, said General Pollari, chief of SISMI, had knowingly provided the United States and Britain with forged documents.<sup>462</sup> "The newspaper . . . also reported that General Pollari had acted at the behest of Mr. Berlusconi, who was said to be eager to help President Bush in the search for weapons in Iraq. . . . *La Repubblica* said General Pollari had held a meeting on September 9, 2002, with a national security adviser, [Stephen Hadley]."<sup>463</sup>

Vice President Cheney quickly jumped on this dated and dubious intelligence assertion and pressured intelligence officials to verify the SISMI report:

"The Vice-President saw a piece of intelligence reporting that Niger was attempting to buy uranium," Cathie Martin, the spokeswoman for Cheney, told me. Sometime after he first saw it, Cheney brought it up at his regularly scheduled daily briefing from the C.I.A., Martin said. "He asked the briefer a question. The briefer came back a day or two later and said, 'We do have a report, but there's a lack of details.'" The Vice-President was further told that it was known that Iraq had acquired uranium ore from Niger in the early nineteen-eighties but that that material had been placed in secure storage by the I.A.E.A., which was monitoring it. "End of story," Martin added. "That's all we know." According to a former high-level C.I.A. official, however, Cheney was dissatisfied with the initial response, and asked the agency to review the matter once again. It was the beginning of what turned out to be



a year-long tug-of-war between the C.I.A. and the Vice-President's office.<sup>464</sup>

It was during 2002 that CIA officials report severe pressure from the Bush Administration on these issues: **“Senior C.I.A. analysts dealing with Iraq were constantly being urged by the Vice-President's office to provide worst-case assessments on Iraqi weapons issues. ‘They got pounded on, day after day,’ one senior Bush Administration official [stated], and received no consistent backup from Tenet and his senior staff. ‘Pretty soon you say ‘F\*\*\* it.’” And they began to provide the intelligence that was wanted.**”<sup>465</sup>

Later in 2002, when Elizabetta Burba, a reporter for an Italian magazine, turned over additional documents concerning the purported uranium sales to the U.S. Embassy,<sup>466</sup> the Bush Administration seized the opportunity to disseminate the charges to the highest levels of the CIA and the Pentagon. As two former CIA officials explained, **“The Embassy was alerted that the papers were coming . . . and it passed them directly to Washington without even vetting them inside the Embassy. Once the documents were in Washington, they were forwarded by the CIA to the Pentagon.**”<sup>467</sup>

Although the charge was still largely unverified, by the time of the President's 2003 State of the Union address, the Bush Administration was facing a situation in which many of its claims – such as the aluminum tubes charge – had been discredited,<sup>468</sup> and the international community did not appear ready for war.<sup>469</sup> It was at this time, “four days before President Bush delivered his State of the Union address presenting the case for war against Iraq, the National Security Council staff put out a call for new intelligence to bolster claims that Saddam Hussein possessed nuclear, chemical and biological weapons or programs.”<sup>470</sup> It did so because, according to Robert Walpole, the then-National Intelligence Officer for Strategic and Nuclear Programs, the NSC believed the nuclear case “was weak.”<sup>471</sup>



Ambassador Joe Wilson was able to confirm two critical facts eliminating any possibility that Iraq sought to purchase uranium from Niger. First he learned that any authentic memorandum of understanding concerning yellowcake sales would have required the signatures of each of Niger's Prime Minister, Foreign Minister, and Minister of Mines, which did not occur. Second, Wilson ascertained that since Niger had previously sold all of its available uranium to its Japanese and European consortium partners, it had no uranium to sell to Iraq or anyone else.

Second, our investigation has confirmed that the President's and other Bush Administration officials' charges regarding uranium acquisition from Niger were made at a time when the overwhelming weight of intelligence authority was to the contrary, a fact which key Bush Administration officials were aware. We know this because of reports, filings and statements, from and on behalf of the CIA, the State Department and the IAEA.



Foremost is the fact that Ambassador Joe Wilson, who was asked by the CIA to travel to Niger in February 2002 to review the charge, found it to be false.<sup>472</sup> Wilson was able to confirm two critical facts eliminating any possibility that the SISMI report was accurate. First, he learned that any authentic memorandum of understanding concerning yellowcake sales would have required the signatures of each of Niger's Prime Minister, Foreign Minister, and Minister of Mines, which did not occur: **"I saw everybody out there' Wilson said, and no one had signed such a document. 'If a document purporting to be about the sale contained those signatures, it would not be authentic.'"**<sup>473</sup> Second, Wilson ascertained that since Niger had pre-sold all of its available uranium to its Japanese and European consortium partners, it had no uranium to sell to Iraq or anyone else.<sup>474</sup> Upon his return, Wilson filed his report with the CIA, which in turn circulated a report on Wilson's trip – without identifying him – to the White House and other agencies.<sup>475</sup>

Also in February 2002, the deputy commander of U.S. Armed Forces Europe, Marine Gen. Carlton Fulford, traveled to Niger and met with the country's president. He concluded that, given the controls on Niger's uranium supply, there was little chance uranium was diverted to Iraq. His report was sent to the Chairman of the Joint Chiefs of Staff, Gen. Richard Myers. The U.S. Ambassador to Niger, Barbro Owens-Kirkpatrick was also present at the meeting and sent similar conclusions to the State Department.<sup>476</sup>

Other experts at the CIA were also highly skeptical of the claim.<sup>477</sup> Prior to the President's October 7, 2002 speech in Cincinnati, George Tenet called Stephen Hadley, principal deputy to Condoleezza Rice, and told him that the **"President should not be a fact witness on this [Niger-Uranium] issue,"** because his analysts had told him that the **"reporting was weak."**<sup>478</sup> The CIA also faxed two memos to the National Security Council on October 6, 2002, one of which was also sent to National Security Advisor Condoleezza Rice, backing up Tenet's advice. One memo stated that **"the evidence is weak . . . the Africa story is overblown."**<sup>479</sup> Hadley later recalled that the uranium reference, "having been taken out of Cincinnati, it should have been taken out of the State of the Union."<sup>480</sup> It is also notable that the Senate Intelligence Report also found that in September of 2002, a CIA analyst suggested to a staff member of the White House's NSC that the White House remove from a draft speech the claim that Iraq attempted to acquire uranium from Africa.<sup>481</sup> According to the CIA analyst, the NSC staff member responded by noting that removing the claim would leave the British "flapping in the wind."<sup>482</sup>



Before Bush's October 2002 speech laying out the evidence for war, CIA Director George Tenet called Stephen Hadley, principal deputy to Condoleezza Rice, and told him that the "President should not be a fact witness on this [Niger-Uranium] issue," because his analyst had told him that the "reporting was weak."



At the same time Tenet was sending faxes and telephoning the White House in early-October 2002, his deputy was telling the Senate Select Committee on Intelligence that the American Intelligence community believed the British had stretched the case on African uranium sales to Iraq.<sup>483</sup>

It also has been reported that the CIA had sought to dissuade the British from asserting the Niger-Iraq uranium connection.<sup>484</sup> A senior intelligence official interviewed by the Associated Press in June of 2003 indicated that the CIA shared with Britain the results of Joseph Wilson's trip to Niger, advising British intelligence that claims that Iraq attempted to procure uranium from Niger are unsubstantiated.<sup>485</sup>

State Department analysts also "considered [the Niger uranium link] suspect."<sup>486</sup> In fact, the Bureau of Intelligence and Research sent a memorandum to Secretary of State Colin Powell stating that claims regarding Iraqi attempts to obtain uranium from Niger are not credible.<sup>487</sup> By October, the National Intelligence Estimate given to Congress as it considered authorizing military action, included the **State Department's finding that "claims of Iraqi pursuit of natural uranium in Africa" were "highly dubious."**<sup>488</sup> Moreover, on January 13, 2003, the INR Iraq nuclear analyst sent an e-mail to several intelligence community analysts outlining his reasoning why, "the uranium purchase agreement probably is a hoax" and concluded that "the uranium purchase agreement probably is a forgery."<sup>489</sup>

The Niger story was also rejected by the French Intelligence agency, who were explicitly sought out by the CIA:

[Alain Chouet, a senior French intelligence official] recalled that his agency was contacted by the CIA in the summer of 2001 — shortly before the attacks of Sept. 11 . . . CIA officials asked their French counterparts to check that uranium in Niger and elsewhere was secure. The former CIA official confirmed Chouet's account of this exchange. Then twice in 2002, Chouet said, the CIA contacted the French again for similar help. By mid-2002, Chouet recalled, the request was more urgent and more specific. The CIA was asking questions about a particular agreement purportedly signed by Nigerian officials to sell 500 metric tons of uranium to Iraq.<sup>490</sup>

After dispatching a team to Niger which did not find any sale or purchase of uranium, the French **"told the Americans, 'Bullsh\*\*'. It doesn't make any sense.'** Chouet said."<sup>491</sup> Chouet also stated that "the question from CIA officials in the summer of 2002 seemed to follow almost word for word from the [forged] documents in question. He said that an Italian intelligence source, Rocco Martino, had tried to sell the

documents to the French, but that in a matter of days French analysts determined the documents had been forged.”<sup>492</sup>

The Bush Administration was able to insist on using the 16-word Niger uranium reference only after considerable back and forth with the CIA. On July 11, 2003, Tenet admitted that CIA officials who reviewed the draft of the State of the Union address and its remarks concerning the Niger-Iraqi uranium deal had **“raised several concerns about the fragmentary nature of the intelligence with [White House] National Security Council colleagues.”**<sup>493</sup> After noting that the CIA raised these concerns, Tenet stated that “[s]ome of the language was changed.”<sup>494</sup> Senator Levin has also noted that this was “highly deceptive” since the “only reason” to say that the British learned that Iraq was seeking uranium from Africa “was to create the impression that we believed it” although “we actually did not believe” it.<sup>495</sup>

By the time the President had opted to include the Iraq-Niger uranium claim in his 2003 State of the Union speech, intelligence officials were flabbergasted that the misinformation could have gone so far. Seymour Hersh describes the following discussions with intelligence officials:

The State of the Union speech was confounding to many members of the intelligence community, who could not understand how such intelligence could have got to the President without vetting. The former intelligence official who gave me the account of the forging of the documents told me that his colleagues were also startled by the speech. They said, “Holy sh\*\*, all of the sudden the President is talking about it in the State of the Union address!” They began to panic.<sup>496</sup>

Finally, the weakness of the Bush Administration’s case can be seen by its inability to provide information supporting its position with the IAEA, and in turn, the IAEA’s ease in confirming the documents were fraudulent. On February 4, 2003, the Bush Administration informed the UN’s IAEA that it **“cannot confirm [the uranium] reports.”**<sup>497</sup> On March 3, 2003, the IAEA told the American government that the documents were forgeries.<sup>498</sup> On March 7, 2003, the head of the IAEA, Dr. Mohammed ElBaradei, informed the United Nations Security Council that the Italian Documents, “which formed the basis for the reports of recent uranium transactions between Iraq and Niger – are in fact not authentic.”<sup>499</sup> The Deputy Director General of the IAEA, Jacques Baute, had found that the Italian documents were so replete with errors that a 2-hour search on “Google” would suffice to discredit them<sup>500</sup> and was easily able to rebut these “clumsy forgeries.”<sup>501</sup>



## Chemical and Biological Weapons

The Bush Administration has also misstated and overstated intelligence information regarding (i) Iraq's possession of chemical weapons generally; (ii) a charge by an Iraqi defector that he had helped bury significant amounts of chemical and other weapons; (iii) the existence of mobile chemical weapons laboratories; and (iv) Iraq's ability to deliver such weapons using unmanned aerial vehicles (UAVs). The record shows that these misstatements were in contradiction of known countervailing intelligence information, and were the result of political pressure and manipulation.

*"This war's going to happen regardless of what Curveball said or didn't say, and that the Powers That Be probably aren't terribly interested in whether Curveball knows what he's talking about."*

-----February 4, 2003, Deputy Chief of the CIA's Iraqi Task Force in response to CIA Doctor<sup>502</sup>

First, in terms of misstatements regarding chemical weapons generally, in his October 7, 2002, speech in Cincinnati, President Bush stated: "In 1995, after several years of deceit by the Iraqi regime, the head of Iraq's military industries defected. It was then that the regime was forced to admit that it had produced more than 30,000 liters of anthrax and other deadly biological agents . . . This is a massive stockpile of biological weapons that has never been accounted for, and capable of killing millions."<sup>503</sup> In his 2003 State of the Union address, President Bush stated, "Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tons of sarin, mustard, and VX nerve agent. In such quantities, these chemical agents could also kill untold thousands. He's not accounted for these materials. He has given no evidence that he has destroyed them."<sup>504</sup> In late September 2002, the President bluntly told leaders of Congress that "[t]he Iraqi regime possesses biological and chemical weapons."<sup>505</sup> In addition, Vice President Cheney, Secretary of State Powell and Secretary of State Rumsfeld made similar misstatements.<sup>506</sup>

Second, on September 12, 2002, as president Bush was preparing to speak before the UN, the White House rolled out a report entitled "Iraq: Denial and Deception," which prominently detailed charges by Iraqi defector Adnan Ihsan Saeed al-Haider that he had secretly helped bury significant amounts of biological, chemical, and nuclear weapons.<sup>507</sup>

Third, in terms of misstatements regarding mobile weapons, on February 5, 2003, in an address before the United Nations, Secretary of State Colin Powell stated



that he had learned that Iraq controlled several mobile biological weapons laboratories as a result of information derived from numerous defectors, describing one as “an eyewitness . . . who supervised one of these facilities” and was at the site when an accident killed 12 technicians.<sup>508</sup> Relying on supposed eyewitness accounts by an Iraqi defector known in the intelligence community as “Curveball,” Powell warned that Iraq’s mobile labs could brew enough weapons-grade microbes “in a single month to kill thousands upon thousands of people.”<sup>509</sup> One week earlier, in his 2003 State of the Union speech, President Bush told the American people that as a result of information provided by three Iraqi defectors, “we know that Iraq, in the late 1990s, had several mobile biological weapons labs . . . designed to produce germ warfare agents and can be moved from place to a place to evade inspectors.”<sup>510</sup> In February 2003, the president further stated in a radio address that “first-hand witnesses have informed us that Iraq has at least seven mobile factories” for germ warfare and that Iraq could “produce within just months hundreds of pounds of biological poisons.”<sup>511</sup>

Fourth, in terms of misstatements regarding unmanned aerial vehicles, in his February 2003 address to the United Nations, Secretary Powell stated: “UAVs are well suited for dispensing chemical and biological weapons. There is ample evidence that Iraq has dedicated much effort to developing and testing spray devices that could be adapted for UAVs.”<sup>512</sup> He further maintained that “every statement I make today is backed up by sources, solid sources. These are not assertions. What we’re giving you are facts and conclusions based on solid intelligence.”<sup>513</sup> Just one month earlier, President Bush stated in his October 7, 2002 speech in Cincinnati, “Iraq possesses ballistic missiles with a likely range of hundreds of miles far enough to strike Saudi Arabia, Israel, Turkey and other nations – in a region where more than 135,000 American civilians and service members live and work.”<sup>514</sup>

These statements have been proven to be untrue. First, with respect to a chemical weapons program, David Kay conclusively stated in congressional testimony that “[m]ultiple sources with varied access and reliability have told ISG [the Iraq Survey Group] that Iraq did not have a large, ongoing, centrally controlled CW [Chemical Weapons] program after 1991. Information found to date suggests that Iraq’s large-scale capability to develop, produce, and fill new CW munitions was reduced - if not entirely destroyed – during Operations Desert Storm and Desert Fox, 13 years of UN sanctions and UN inspections.”<sup>515</sup>

Second, with respect to the charge by the Iraqi defector at Haeder that he had buried “tons” of chemical and other weapons, the CIA confirmed this was a lie.<sup>516</sup>

Third, as to assertions regarding mobile biological weapons labs, on March 7, 2003, Hans Blix, the chief United Nations weapons inspector, told the Security Council that a series of searches had found “no evidence” of mobile biological production



facilities in Iraq.<sup>517</sup> In 2004, the CIA's Iraq survey group reported they "could find nothing to corroborate Curveball's reporting."<sup>518</sup> The CIA issued a formal directive in May of 2004, stating that "[d]iscrepancies surfaced regarding the information provided by . . . Curveball in this stream of reporting, which indicate that he lost his claimed access in 1995. Our assessment, therefore, is that Curveball appears to be fabricating in this stream of reporting."<sup>519</sup>

Fourth, the Bush Administration's claims about UAV have not been substantiated. On January 28, 2004, David Kay testified on behalf of the Iraq Survey Group that Iraq's UAV program "was not a strong point." That it presented only a "theoretically possible" chance and that there was no "existing deployment capability . . . for any sort of systematic military attack."<sup>520</sup> With respect to the President's claims regarding Iraq's ability to effectuate long-range attacks against Americans, UN weapons inspectors found that the weapons in question could travel less than 200 miles – not far enough – the *Washington Post* noted, "to hit the targets Bush named."<sup>521</sup>

Each and every one of these four categories of misstatements were made after the Bush Administration knew they were not fully corroborated and were strongly contradicted by other sources, and, in some cases, appear to have been accompanied by political pressure.

### General Assertions Regarding Chemical and Biological Weapons

With respect to general assertions regarding chemical weapons, our investigation shows they conflicted with known reports at the time, that the Bush Administration did not reveal that one of its principal sources had provided contrary information, and that many of Secretary Powell's assertions were not fully supported.

In September 2002, the Defense Intelligence Agency (DIA) issued a report that concluded: "A substantial amount of Iraq's chemical warfare agents, precursors, munitions, and production equipment were destroyed between 1991 and 1998 as a result of Operation Desert Storm and UNSCOM (United Nations Special Commission) actions . . . [t]here is no reliable information on whether Iraq is producing and stockpiling chemical weapons or where Iraq has--or will--establish its chemical warfare agent production facilities."<sup>522</sup>



Hussein Kamel, former Chief of Iraq's chemical, biological, and nuclear weapons programs, told intelligence agents after defecting, "I ordered destruction of all chemical weapons. All weapons--biological chemical, missile, nuclear were destroyed."



Moreover as noted in the discussion about the information provided by Hussein's son-in-law by 1995 the CIA was aware that Kamel al-Majid had stated that Iraq had destroyed these weapons soon after the Gulf War and no longer possessed any WMD. In his August 22, 1995, debriefing by UNSCOM and the IAEA, Kamel stated categorically: **"I ordered destruction of all chemical weapons. All weapons-biological, chemical, missile, nuclear were destroyed."**<sup>523</sup>

A declassified CIA document, apparently from a debriefing of Kamel by the United States, reads:

HUSAYN KAMIL MADE THE FOLLOWING STATEMENTS AWARE THAT THEY WOULD REACH U.S. GOVERNMENT OFFICIALS...

KAMIL STRESSED THAT NO [CW] AGENT WAS HIDDEN IN IRAQ, EITHER VX OR ANY OTHER.<sup>524</sup>

In addition, shortly before the Iraq war, *Newsweek* published a story revealing the specifics of what Kamel had said in 1995:

Hussein Kamel, the highest-ranking Iraqi official ever to defect from Saddam Hussein's inner circle, told CIA and British intelligence officers and U.N. inspectors in the summer of 1995 that after the gulf war, Iraq destroyed all its chemical and biological weapons stocks and the missiles to deliver them . . .

**Kamel was interrogated in separate sessions by the CIA, Britain's M.I.6 and a trio from the United Nations, led by the inspection team's head, Rolf Ekeus. NEWSWEEK has obtained the notes of Kamel's U.N. debrief, and verified that the document is authentic. NEWSWEEK has also learned that Kamel told the same story to the CIA and M.I.6. (The CIA did not respond to a request for comment.)**<sup>525</sup>

Finally, a comprehensive review of Secretary Powell's statements regarding chemical and biological weapons was compared for State Department and other analyses.<sup>526</sup> The comparison indicates that, contrary to his assertions, many of Mr. Powell's statements were not fully supportable. For example, the Secretary stated that "we know from sources that a missile brigade



Colin Powell's address to the United Nations provided evidence of Iraq's weapons capability considered "weak" by INR regarding munitions bunkers, mobile weapons labs, biological warheads, and unmanned aerial vehicles capable of delivering warheads.



outside Baghdad was disbursing rocket launchers and warheads containing biological warfare agents to various locations, distributing them to various locations in western Iraq.”<sup>527</sup> **The January 31, 2003 INR evaluation flagged this claim as “weak.”**<sup>528</sup> A more detailed analysis of Secretary Powell’s UN statements regarding chemical weapons is attached as an Exhibit B. Powell later showed a slide of a satellite photograph of an Iraqi munitions bunker, and stated: “The two arrows indicate the presence of sure signs that the bunkers are storing chemical munitions. . . [t]he truck you [ . . . ] see is a signature item. It’s a decontamination vehicle in case something goes wrong.”<sup>529</sup> **The January 31, 2003 INR evaluation also flagged this claim as “weak.”**<sup>530</sup> Powell further stated: “UAVs outfitted with spray tanks constitute an ideal method for launching a terrorist attack using biological weapons.”<sup>531</sup> **Like his other statements, the January 31, 2003 INR evaluation had flagged this statement as “weak.”**<sup>532</sup>

### Assertions Regarding Buried Chemical and Other Weapons

With regard to the charges that tons of chemical, biological and other weapons were buried underground in Iraq with the help of a defector, Aduan Ihsan Saeed al-Haedu, we now know that the Administration knew that the charges had been disproved when it released its report trumpeting the charges. As James Bamford recently wrote:

The illegal arms, according to al-Haideri, were buried in subterranean wells, hidden in private villas, even stashed beneath the Saddam Hussein Hospital, the largest medical facility in Baghdad. It was damning stuff – just the kind of evidence the Bush administration was look for. If the charges were true, they would offer the White House a compelling reason to invade Iraq and depose Saddam. That’s why the Pentagon had flown a CIA polygraph expert to Pattaya: to question al-Haideri and confirm, once and for all, that Saddam was secretly stockpiling weapons of mass destruction. **There was only one problem: It was all a lie. After a review of the sharp peaks and deep valleys on the polygraph chart, the intelligence officer concluded that al-Haideri had made up the entire story, apparently in the hopes of securing a visa.**<sup>533</sup>

The polygraph was completed in December 2001, ten months before the White House report was issued.<sup>534</sup>

### Assertions Regarding Mobile Biological Weapons

Given the massive weight of authorities raising concerns about Curveball, key officials in the Bush Administration had to have known their biological weapons charges were problematic. These doubts were brought to the Bush Administration’s

attention before Secretary of State Powell gave his February 2003 United Nations address, and were also raised repeatedly and persistently by German and British intelligence agencies, as well as by key officials within the CIA.

German intelligence authorities voiced many substantive concerns to the Bush Administration about relying on Curveball for mobile weapons labs charges. As *The Los Angeles Times* recently reported:

The German intelligence officials responsible for one of the most important informants on Saddam Hussein's suspected weapons of mass destruction say that the Bush Administration and the CIA repeatedly exaggerated his claims during the run-up to the war in Iraq. Five senior officials from Germany's Federal Intelligence Service, or BND, said in interviews with *The Times* that they warned U.S. intelligence authorities that the source, an Iraqi defector code-named Curveball, never claimed to produce germ weapons and never saw anyone else do so. Curveball's German handlers for the last six years said his information was often vague, mostly secondhand and impossible to confirm. **"This [Curveball] was not substantial evidence . . . [w]e made clear we could not verify the things he said."** The German authorities . . . also said that their informant suffered from emotional and mental problems. "He is not a stable, psychologically stable guy," said a BND official who supervised the case. "He is not a completely normal person," agreed a BND analyst.<sup>535</sup>

As one senior German intelligence officer explained after seeing Powell's UN statements regarding Curveball: "'We were shocked,' the official said. *'Mein Gott! We had always told them it was not proven . . . It was not hard intelligence.'*"<sup>536</sup>

British intelligence officials also raised doubts.<sup>537</sup> The Robb-Silberman Commission found that British intelligence officials had informed the CIA that they were **"not convinced that Curveball is a wholly reliable source" and that "elements of [his] behavior strike us as typical of . . . fabricators."**<sup>538</sup>

CIA officials also provided information questioning the Bush Administration's mobile biological weapons assertions before both the President's 2003 State of the Union Address and Secretary of State Powell's February UN address. For examples, the CIA's Berlin station chief had previously forwarded a message to headquarters noting that a German official had said Curveball was "out of control" and couldn't be located.<sup>539</sup> The Station Chief warned about using Curveball's information on the mobile biological units in Bush's State of the Union speech because the German intelligence service considered Curveball "problematical" and said its officers had been unable to confirm his assertions.<sup>540</sup> The station chief recommended that CIA headquarters give "serious consideration" before using that unverified information.<sup>541</sup>



On February 4, 2003, the day before Secretary Powell's speech, the CIA doctor who had met with Curveball sent an urgent e-mail stating that he "was deemed a fabricator. Need I say more?"<sup>542</sup> The Deputy Chief of the CIA's Iraqi Task Force replied to the doctor, upon receiving the doctor's email: "As I said last night, let's keep in mind the fact **that this war's going to happen regardless of what Curveball said or didn't say, and that the Powers That Be probably aren't terribly interested in whether Curveball knows what he's talking about.**"<sup>543</sup>

Also, shortly before Mr. Powell's UN presentation, a CIA official questioned the sources he was using to make the mobile biological weapons labs claims. According to the Senate Intelligence Committee Report, "a [CIA] detailee [was provided] a draft of the BW [mobile biological weapons] section of Secretary Powell's United Nations speech on February 2 or 3, 2003, according to the CIA. **After reading the speech, the detailee wrote an electronic mail (e-mail) to the Deputy Chief of the Iraqi Task Force to express his concerns about the use of the four HUMINT [human intelligence] sources cited in the speech.**"<sup>544</sup>

Thus, for example, with respect to the first source, Curveball, the detailee wrote: I do have a concern with the validity of the information based on CURVEBALL . . . were having major handling issues with him and were attempting to determine, if in fact, CURVEBALL was who he said he was. **These issues, in my opinion, warrant further inquiry, before we use the information as the backbone of one of our major finding of the existence of a continuing Iraqi BW program!**"<sup>545</sup> The detailee also expressed concern about the second source cited in Powell's speech - an Iraqi civil engineer in a position to know the details of the program.<sup>546</sup> Among other credibility issues, the detailee stated that the source "sure didn't corroborate 'curve ball's' information."<sup>547</sup> With respect to the fourth source - an Iraqi Major who defected and had purportedly confirmed that Iraq had mobile biological laboratories - the Defense Intelligence Agency has issued a "fabrication notice" on him in May of 2002.<sup>548</sup>

Beyond ignoring the weight of intelligence authority, the record also indicates evidence that the Bush Administration manipulated intelligence information. For example, with regard to the CIA-prepared intelligence estimate, the *Los Angeles Times* reports: "Despite the lack of access or any new reports from Curveball, U.S. intelligence sharply upgraded its assessments of Iraq's biological weapons before the war. The shift is reflected in declassified portions of National Intelligence Estimates, which are produced as the authoritative judgment of the 15 U.S. intelligence agencies. [. . . Significantly] the caveats [previously expressed by intelligence officials] disappeared after the Sept. 11 attacks."<sup>549</sup>



A Congressional staffer who was privy to the CIA's threat assessment confirmed that the assessment merely collected arguments for going to war, without doing any substantive review or critique:

[i]t highlighted “extensive Iraqi chem-bio programs and nuclear programs and links to terrorism” but then included a footnote that read, “This information comes from a source known to fabricate in the past.” The staffer concluded that “they didn't do analysis. What they did was they just amassed everything they could that said anything bad about Iraq and put it into a document.”<sup>550</sup>

### Unmanned Aerial Vehicles

Finally, the record shows that the Bush Administration made false charges regarding UAVs and Iraq's ability to direct weapons far afield, regardless of the weight of authority to the contrary. As explained in a National Intelligence Estimate, the government entity most knowledgeable about UAVs - the Air Force's National Air and Space Intelligence Center - “does not agree that Iraq is developing UAVs primarily intended to be delivery platforms for chemical and biological (CBW) agents.”<sup>551</sup> Instead, the Air Force experts asserted that “[t]he small size of Iraq's new UAV strongly suggests a primary role of reconnaissance.”<sup>552</sup>

Moreover, with regard to assertions by the President that biological and other weapons can be used by Iraq to target nations far abroad, including the United States, the CIA “increasingly believed that the attempted purchase of the mapping software . . . may have been inadvertent.”<sup>553</sup> In an intelligence estimate on threats to the United States homeland published in January 2003, Air Force Defense Intelligence Agency and Army analysts agreed that the proposed purchase was “not necessarily indicative of an intent to target the U.S. homeland.”<sup>554</sup>





<sup>272</sup> JAMES BAMFORD, A PRETEXT FOR WAR.

<sup>273</sup> Col. Lawrence Wilkerson, Chief of Staff to Former Secretary of State Colin Powell, Remarks before the New America Foundation (Oct. 19, 2005), *available at* <http://news.ft.com/cms/s/c925a686-40f4-11da-b3f9-00000e2511c8.html>.

<sup>274</sup> Ron Suskind, *Without A Doubt*, N.Y. TIMES MAGAZINE, Oct. 17, 2004, at 44.

<sup>275</sup> Glenn Kessler, *CIA Leak Linked to Dispute over Iraq Policy*, WASH. POST, Oct. 25, 2005, at A3 (emphasis added).

<sup>276</sup> Seymour M. Hersh, *Annals of National Security: The Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 75. Mel Goodman, a 24-year veteran of the CIA, who lectures at the State Department's Foreign Service Institute, has recounted what his students from the intelligence agencies told him about the political pressure they faced regarding Iraq:

I get into the issue of politicization . . . [t]hey [the students] don't say much during the question period, but afterwards people come up to me, D.I.A. and C.I.A. analysts who have had this pressure. I've gotten stories from D.I.A. people being called into a supervisor's office and told they might lose their job if they didn't revise a paper. "This is not what the administration is looking for. You've got to find W.M.D.'s, which are out there."

Bryan Burrough, Evgenia Peretz, David Rose & David Wise, *The Path to War*, VANITY FAIR, May 2004, at 242 (emphasis added).

<sup>277</sup> Walter Pincus & Dana Priest, *Some Iraq Analysts Felt Pressure From Cheney Visits*, WASH. POST, June 5, 2003, at A1 (emphasis added).

<sup>278</sup> Warren P. Strobel, Jonathan S. Landay & John Walcott, *Some in Bush Administration Have Misgivings about Iraq Policy*, KNIGHT RIDDER, Oct. 8, 2002.

<sup>279</sup> Maureen Dowd, *Fashioning Deadly Fiascos*, N.Y. TIMES, Nov. 5, 2005, at A17 (quoting Col. Lawrence Wilkerson).

<sup>280</sup> *The Diplomat's Goodbye*, WASH. POST, Mar. 9, 2003, at B03.

<sup>281</sup> JAMES BAMFORD, A PRETEXT FOR WAR (emphasis added).

<sup>282</sup> *Id.*

<sup>283</sup> *CNN Presents: Dead Wrong* (CNN television broadcast, Aug. 21, 2005) (quoting unidentified male).

<sup>284</sup> Spencer Ackerman & John B. Judis, *The First Casualty*, THE NEW REPUBLIC, June 30, 2003, at 14.

<sup>285</sup> Seymour M. Hersh, *Annals of National Security: The Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 80.

<sup>286</sup> *Id.* at 75 (quoting Kenneth Pollack). Pollack later wrote himself that:

Throughout the spring and fall of 2002 and well into 2003 I received numerous complaints from



friends and colleagues in the intelligence community, and from people in the policy community, about [how the Bush administration handled the intelligence]. . . . Many Administration officials reacted strongly, negatively, and aggressively when presented with information or analysis that contradicted what they already believed about Iraq. . . . Intelligence officers who presented analyses that were at odds with the pre-existing views of senior Administration officials were subject to barrages of questions and requests for additional information. They were asked to justify their work sentence by sentence. . . . **The Administration gave greatest credence to accounts that presented the most lurid picture of Iraqi activities.** In many cases intelligence analysts were distrustful of those sources, or knew unequivocally that they were wrong. But when they said so, they were not heeded; instead, they were beset with further questions about their own sources.

Kenneth M. Pollack, *Spies, Lies, and Weapons: What Went Wrong*, THE ATLANTIC MONTHLY, Jan. 1, 2004 (emphasis added).

<sup>287</sup> Julian Borger, *White House 'Exaggerating Iraqi Threat,'* THE GUARDIAN, Oct. 9, 2002.

<sup>288</sup> *CNN Presents: Dead Wrong* (CNN television broadcast, Aug. 21, 2005) (statement of Michael Scheuer).

<sup>289</sup> *Frontline: Truth, War & Consequences* (PBS television broadcast, Aug. 12, 2003).

<sup>290</sup> *Id.*

<sup>291</sup> Bryan Burrough, Evgenia Peretz, David Rose & David Wise, *The Path to War*, VANITY FAIR, May 2004, at 204 (quoting Greg Thielmann) (emphasis added).

<sup>292</sup> Jonathan S. Landay, *CIA Leak Illustrates Selective Use of Intelligence on Iraq*, KNIGHT RIDDER, Oct. 25, 2005 (emphasis added).

- in text, change "As the Miami Herald wrote" to "As Knight Ridder reported"

<sup>293</sup> Seymour M. Hersh, *Annals of National Security: The Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 81 (emphasis added).

<sup>294</sup> Walter Pincus & Dana Priest, *Some Iraq Analysts Felt Pressure from Cheney Visits*, WASH. POST, June 5, 2003, at A1 (emphasis added).

<sup>295</sup> Michael Smith, *Exclusive: Downing Street Reporter Dissects Pre-War Iraq Intelligence*, THE RAW STORY, Aug. 24, 2005, available at [http://rawstory.com/news/2005/Downing\\_Street\\_reporter\\_dissects\\_Iraq\\_intelligence\\_in\\_leadup\\_0824.html](http://rawstory.com/news/2005/Downing_Street_reporter_dissects_Iraq_intelligence_in_leadup_0824.html).

<sup>296</sup> *Hearing on the "Downing Street" Memo, Before the House Comm. on the Judiciary*, 109th Cong. 37 (2005) (statement of Ray McGovern).

<sup>297</sup> *CNN Presents: Dead Wrong* (CNN television broadcast, Aug. 21, 2005).

<sup>298</sup> See Bruce B. Auster, Mark Mazzetti & Edward Pound, *Truth and Consequences*, U.S. NEWS & WORLD REPORT, June 9, 2003.



<sup>299</sup> Bryan Burrough, Evgenia Peretz, David Rose, & David Wise, *The Path to War*, VANITY FAIR, May 1, 2004, at 228 (emphasis added).

<sup>300</sup> *Hearing on Findings of the 9-11 Commission Before the Senate Armed Services Committee*, 108th Cong. (2004) (testimony of John E. McLaughlin, Acting Director of Central Intelligence).

<sup>301</sup> John B. Judis & Spencer Ackerman, *The First Casualty*, THE NEW REPUBLIC, June 30, 2003, at 14.

<sup>302</sup> *Colin Powell on Iraq, Race, and Hurricane Relief*, ABC NEWS, Sept. 8, 2005, available at <http://abcnews.go.com/2020/Politics/story?id=1105979&page=1>.

<sup>303</sup> *Id.*

<sup>304</sup> *60 Minutes: Interview with Richard Clarke* (CBS television broadcast, Mar. 21, 2004), available at <http://www.cbsnews.com/stories/2004/03/19/60minutes/main607356.shtml>.

<sup>305</sup> President George W. Bush, Remarks in Meeting with President Alvaro Uribe of Colombia (Sept. 25, 2002), available at <http://www.whitehouse.gov/news/releases/2002/09/20020925-1.html>.

<sup>306</sup> *Hearing on U.S. Policy on Iraq: Before the U.S. Senate Comm. on Armed Services*, 107th Cong., 2d Sess. (statement of Secretary Rumsfeld).

<sup>307</sup> Eric Schmitt, *Rumsfeld Says U.S. Has 'Bulletproof' Evidence of Iraq's Links to Al Qaeda*, N.Y. TIMES, Sept. 28, 2002, at A9.

<sup>308</sup> John B. Judis and Spencer Ackerman, *The First Casualty*, THE NEW REPUBLIC, June 30, 2003, at \*page.

<sup>309</sup> *Rice: Iraq trained al Qaeda in chemical weapons*, CNN.COM, Sept. 26, 2002, available at <http://archives.cnn.com/2002/US/09/25/us.iraq.alqaeda/>.

<sup>310</sup> *Meet the Press* (NBC television broadcast, Dec. 9, 2001).

<sup>311</sup> *Fox News: Interview with Vice President Dick Cheney*, (Fox News television broadcast, June 28, 2004), available at <http://www.foxnews.com/story/0,2933,123794,00.html>.

<sup>312</sup> Walter Pincus, *Newly Released Data Undercut Prewar Claims, Source Tying Baghdad, Al Qaeda Doubted*, WASH. POST, Oct. 8, 2002, at A22.

<sup>313</sup> *20 Words – Another Iraq War Claim Lie*, Nov. 8, 2005, available at <http://americablog.blogspot.com/2005/11/20-words-another-iraq-war-claim-lie.html>.

<sup>314</sup> *Id.*

<sup>315</sup> Michael Isikoff & Daniel Klaidman, *Al Qaeda's Man in Iraq*, NEWSWEEK, Oct. 7, 2002, at 42.

<sup>316</sup> NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES, THE 9/11 COMMISSION REPORT at 576 (2004). In a hearing of the panel, a senior FBI official and a senior CIA analyst concurred with the finding. See Walter Pincus & Dana Milbank, *Al-Qaeda-Hussein Link is Dismissed*, WASH. POST, June 17, 2004 at A1.



<sup>317</sup>NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES, THE 9/11 COMMISSION REPORT 576 (2004).

<sup>318</sup>REPORT OF THE SELECT COMMITTEE ON INTELLIGENCE ON THE U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ at 347 (2004).

<sup>319</sup>*Hearing to Receive Testimony on Efforts to Determine the Status of Iraqi Weapons of Mass Destruction and Related Programs*. 108th Cong. 57 (2004) (statement of David Kay) (transcript available at <http://www.cnn.com/2004/US/01/28/kay.transcript/>).

<sup>320</sup>NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES, THE 9/11 COMMISSION REPORT at 579 (2004).

<sup>321</sup>Douglas Jehl, *Report Warned Bush Team About Intelligence Suspicions*, N.Y. TIMES, Nov. 6, 2005 at 14.

<sup>322</sup>*60 Minutes: Interview with Richard Clarke* (CBS television broadcast, Mar. 21, 2004) (emphasis added), available at <http://www.cbsnews.com/stories/2004/03/19/60minutes/main607356.shtml> (describing the reaction of the Bush White House to his report finding no connection between Iraq and the September 11 attacks).

<sup>323</sup>Murray Waas, *Key Bush Intelligence Briefing Kept from Hill Panel*, THE NAT'L JOURNAL, Nov. 22, 2005, available at <http://nationaljournal.com/about/njweekly/stories/2005/1122nj1.htm> (emphasis added).

<sup>324</sup>*Id.*

<sup>325</sup>

<sup>326</sup>REPORT OF THE SELECT COMMITTEE ON INTELLIGENCE ON THE U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ at 306 (2004) (emphasis added).

<sup>327</sup>National Intelligence Council, *Iraq's Continuing Program for Weapons of Mass Destruction: Key Judgements (from October 2002 National Intelligence Estimate)* (declassified July 18, 2003). See also REPORT OF THE SELECT COMMITTEE ON INTELLIGENCE ON THE U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ at 313. In an October 7, 2002 letter to Senator Bob Graham, CIA Director George Tenet again asserted strong qualifiers regarding a relationship between Iraq and al-Qaida: "Our understanding of the relationship between Iraq and al-Qai'da is evolving and is based on sources of varying reliability." Letter from CIA Director George Tenet to Sen. Bob Graham of 10/7/2002, at 1.

<sup>328</sup>REPORT OF THE SELECT COMMITTEE ON INTELLIGENCE ON THE U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ at 322 (emphasis added).

<sup>329</sup>*Id.*

<sup>330</sup>*CNN Presents: Dead Wrong* (CNN television broadcast, Aug. 21, 2005) (emphasis added).

<sup>331</sup>Oliver Burkeman & Julian Borger, *War Critics Astonished as US Hawk Admits Invasion was Illegal*, GUARDIAN, Nov. 20, 2003, at 4 (emphasis added).

In her book, "Blowing My Cover," Lindsay Moran detailed the following discussions she had with C.I.A. analysts regarding CIA knowledge of possible relationships between Iraq and Al-Qaeda:



“[A] CIA analyst, whose opinion I'd solicited about the connection between Al-Qa'ida and Iraq, looked at me almost shamefacedly, shrugged, and said, "They both have the letter q?" And a colleague who worked in the office covering Iraqi counterproliferation reported to me that her mealy-mouthed pen pusher of a boss had gathered together his minions and announced, "Let's face it. **The president wants us to go to war, and our job is to give him a reason to do it.**" LINDSAY MORAN, *BLOWING MY COVER: MY LIFE AS A CIA SPY* 55 (Putnam Adult Books, 2004)(emphasis added).

<sup>332</sup>*Bush Overstated Iraq Links to al-Qaeda, Former Intelligence Officials Say*, USA TODAY, July 13, 2003, available at [http://www.usatoday.com/news/washington/2003-07-13-bush-alqaeda\\_x.htm](http://www.usatoday.com/news/washington/2003-07-13-bush-alqaeda_x.htm).

<sup>333</sup>Bryan Burrough, Evgenia Peretz, David Rose & David Wise, *The Path to War*, VANITY FAIR, May 2004, at 228 (emphasis added).

<sup>334</sup>See S. REP. NO. 108-301, at 449 (2004).

<sup>335</sup>The unnamed individual testified: "Generally it was understood how receptive [the Office of the Secretary of Defense] civilians were to our assessments and what kind of assessments they would not be receptive to . . ." *Id.*

A senior official at the Defense Department stated that on September 11, Paul Wolfowitz told senior officials at the Pentagon that he believed Iraq might have been responsible. "I was scratching my head because everyone else thought of al Qaeda," the former senior defense official stated. \*\*\*Cite\*\*\* Days after September 11, Colin Powell warned the Administration not to make up a link. Bob Woodward, in his book "Bush at War," conveyed Powell's perspective:

Don't go with the Iraq option right away, or we'll lose the coalition we've been signing up. "They'll view it as bait-and-switch -- it's not what they signed up to do." If we weren't going after Iraq before September 11, why would we be going after them now when the current outrage is not directed at Iraq, Powell asked. Nobody could look at Iraq and say it was responsible for September 11. It was important not to lose focus. "Keep the Iraq options open if you get the linkages," he said. "Maybe Syria, Iran' -- the chief state sponsors of terrorism in the 1980s -- "but doubt you'll get the linkages."

BOB WOODWARD, *BUSH AT WAR*, at 87-88 (2002).

<sup>336</sup>Spencer Ackerman & John B. Judis, *The First Casualty*, THE NEW REPUBLIC, June 30, 2003, at 16.

<sup>337</sup>James Risen, *No Links to Saddam, al-Qaeda Pair Claim*, SYDNEY MORNING HERALD, June 10, 2003. [\*Eric – Risen wrote both articles?]

<sup>338</sup>\*ABC News Transcript, April 25, 2003, Page 304 (emphasis added).

<sup>339</sup>Julian Borger, *Bush Twists Facts to Fit, Analysts Say*, THE GUARDIAN, ASSOCIATED PRESS, Oct. 10, 2002, available at <http://www.smh.com.au/articles/2002/10/09/1034061257034.html>.

<sup>340</sup>*Current and Future Worldwide Threats to U.S. National Security: Hearing Before the Senate Committee on Armed Services*, 108th Cong. (2004) (statement of George Tenet, Director, Central Intelligence Agency).

<sup>341</sup>*Id.*





<sup>342</sup>The CTEG was created under Paul Wolfowitz and Under Secretary of Defense for Policy, Douglas Feith, and ultimately answerable to Donald Rumsfeld. CNN's documentary *Dead Wrong* noted, "at the Pentagon, Secretary of Defense Donald Rumsfeld set up a special office to provide him with alternative intelligence analysis, focusing on a possible link between Saddam and al Qaeda." In this regard, Former CIA and State Department Official Larry Johnson responded that "they even briefed their findings to the [intelligence] community and the community would come back and say, wait a second, you don't know what you're talking about. That's garbage. That's misleading, that misrepresents." *CNN Presents: Dead Wrong* (CNN television broadcast, Aug. 21, 2005). Referring to the work of the special unit, Lt. Colonel Karen Kwiatkowski, a former Air Force officer who served in the Pentagon's Near East and South Asia unit, has stated, "it wasn't intelligence, -- it was propaganda . . . [t]hey'd take a little bit of intelligence, cherry-pick it, make it sound much more exciting, usually by taking it out of context, often by juxtaposition of two pieces of information that don't belong together." Robert Dreyfuss & Jason Vest, *The Lie Factory*, MOTHER JONES, January/February 2004, *available at* [http://www.motherjones.com/news/feature/2004/01/12\\_405.html](http://www.motherjones.com/news/feature/2004/01/12_405.html).

<sup>343</sup>On November 14, 2005, the Pentagon's Inspector General announced an investigation into whether Mr. Feith and others associated with his group engaged in "unauthorized, unlawful, or inappropriate intelligence activities." Murray Waas, *Key Bush Intelligence Kept From Hill Panel*, NATIONAL JOURNAL, Nov. 22, 2005, *available at* <http://nationaljournal.com/about/njweekly/stories/2005/1122nj1.htm>. Mr. Feith also put together a series of classified findings indicating that Iraq intelligence agents had worked with al Qaeda for over a decade in a memorandum to the Senate Intelligence Committee. This memorandum was leaked to the conservative *Weekly Standard* and formed the basis of its November 24, 2003 article entitled "Case Closed" by Stephen F. Hayes. Stephen F. Hayes, *Case Closed*, THE WEEKLY STANDARD, Nov. 24, 2003, at \* \_\_\_\_\_. **Although the contents were highly classified, they were leaked to The Weekly Standard, a journal closely associated with the neoconservatives.** "If you don't understand how intelligence works," a Pentagon official told *The New York Times*, "you could look at this memo and say, 'Aha, there was an operational connection between Saddam and al-Qaeda.'" Douglas Jehl, *More Proof of Iraq-Qaeda Link, or Not?*, N.Y. Times, Nov. 20, 2003, at A18.

<sup>344</sup>Bryan Burrough, Evgenia Peretz, David Rose & David Wise, *The Path to War*, VANITY FAIR, May 2004, at 230.

<sup>345</sup>*Id.* at 242. Former DIA Chief of Operations described how the CTEG bypassed standard intelligence channels to provide unfiltered information to the White House: "That unit had meetings with senior White House officials without the CIA or the Senate being aware of them. That is not legal. There has to be oversight. *The Washington Times* reported that "according to Lang and another US intelligence official, the two men go to the White House several times to brief officials, bypassing CIA analysts whose analyses they disagreed with. They allegedly brief White House staffers Stephen Hadley, the deputy national security adviser, and Lewis "Scooter" Libby, chief of staff for Vice President Richard Cheney, according to congressional staffers." *Washington Times*, 7/29/2004 [**\*Bluebook**] (Need article)

<sup>346</sup>

<sup>347</sup>Memorandum from Peter Ricketts, Political Director of the U.K. Foreign and Commonwealth Office, to Jack Straw, U.K. Foreign Secretary (Mar. 22, 2002), *available at* <http://downingstreetmemo.com/docs/ricketts.pdf> at 1-2. To British officials, it was equally clear that Bush Administration charges to the contrary, there was no credible link between Iraq and the September 11 attacks or Al-Qaeda. In the March 25, 2002 Straw Memo, United Kingdom Foreign Secretary Jack Straw noted that "If 11 September had not happened, it is doubtful that the US would now be considering military action against Iraq . . . [o]bjectively, the threat from Iraq has not worsened



as a result of 11 September.” Memorandum from Jack Straw, U.K. Foreign Secretary, to the Prime Minister (Mar. 25, 2002), *available at* <http://downingstreetmemo.com/docs/straw.pdf> at 2.

<sup>348</sup>Memorandum from the Office of the Overseas and Defense Secretariat to Personal Secret UK Eyes Only (Mar. 8, 2002), at 1, *available at* <http://downingstreetmemo.com/docs/iraqoptions.pdf> at 8.

<sup>349</sup>Michael Isikoff, *Phantom Link to Iraq*, NEWSWEEK, Apr. 28, 2002.

<sup>350</sup>James Risen, *Iraqi Agent Denies He Met 9/11 Hijacker in Prague Before Attacks in the U.S.*, N.Y. TIMES, December 13, 2003, at A10. “Credit card and phone records appear to demonstrate that Atta was in Virginia Beach, Va., at the time of the alleged meeting, according to law enforcement and intelligence officials. Al-Ani, the Iraqi intelligence official with whom Atta was said to have met in Prague, was later taken into custody by U.S. authorities. He not only denied the report of the meeting with Atta, but said that he was not in Prague at the time of the supposed meeting, according to published reports.” Murray Waas, *Key Bush Intelligence Kept From Hill Panel*, NAT’L JOURNAL, Nov. 22, 2005, *available at* <http://nationaljournal.com/about/njweekly/stories/2005/1122nj1.htm>.

<sup>351</sup>David Ignatius, *The Real Crime, White House vs. CIA Was the Wrong Battle*, WASH. POST, October 30, 2005 at B07 (emphasis added).

<sup>352</sup>Douglas Jehl, *Report Warned Bush Team About Intelligence Suspicions*, N.Y. TIMES, Nov. 6, 2005, at 14 (emphasis added).

<sup>353</sup>*Id.*

<sup>354</sup>*Id.*

<sup>355</sup>*Id.*

<sup>356</sup>Walter Pincus, *Newly Released Data Undercut Prewar Claims, Source Tying Baghdad, Al Qaeda Doubted*, WASH. POST, Nov. 6, 2005 at A22.

<sup>357</sup>*Id.*

<sup>358</sup>Jane Mayer, *Annals of Justice, Outsourcing Torture*, THE NEW YORKER, February 14, 2005 at 116.

<sup>359</sup>*Id.*

<sup>360</sup>Douglas Jehl, *Qaeda-Iraq Link U.S. Cited is Tied to Coercion Claim*, N.Y. TIMES, Dec. 9, 2005.

<sup>361</sup>*Meet the Press: Interview with Vice President Dick Cheney* (NBC television broadcast, March 16, 2003).

<sup>362</sup>Vice President Dick Cheney, Remarks by the Vice President to the Veterans of Foreign Wars 103rd National Convention (August 26, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/08/20020826.html>. Similarly Colin Powell testified before the House International Relations Committee that, “[w]ith respect to the nuclear program, there is no doubt that the Iraqis are pursuing it.”

<sup>363</sup>*Id.*



<sup>364</sup>President George W. Bush, Remarks on Iraq (October 7, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/10/20021007-8.html>.

<sup>365</sup>Barton Gellman and Walter Pincus, *Depiction of Threat Outgrew Supporting Evidence*, WASH. POST, August 10, 2003 at A1.

<sup>366</sup>Secretary of State Colin Powell, Remarks to United Nations Security Council, (February 5, 2003) *available at* <http://www.state.gov/secretary/rm/2003/17300.htm>.

<sup>367</sup>Secretary Rice stated on September 8, 2002: "There will always be some uncertainty about how quickly [Saddam] can acquire nuclear weapons. But we don't want the smoking gun to be a mushroom cloud." *CNN's Late Edition with Wolf Blitzer* (CNN television broadcast, Sept. 8, 2002).

<sup>368</sup>Secretary Rumsfeld stated on September 8, 2002: "Imagine a September eleventh with weapons of mass destruction. It's not three thousand--it's tens of thousands of innocent men, women, and children." *CBS, Face the Nation* (CBS television broadcast, Sept. 8, 2002).

<sup>369</sup>Vice President Dick Cheney stated in August 2002 that Mr. Hussein could acquire nuclear weapons "fairly soon" and that Saddam, "armed with an arsenal of these weapons of terror," could "directly threaten America's friends throughout the region and subject the United States or any other nation to nuclear blackmail." Vice President Dick Cheney, Remarks by the Vice President to the Veterans of Foreign Wars 103rd National Convention (August 26, 2002) *available at* <http://www.whitehouse.gov/news/releases/2002/08/20020826.html>.

<sup>370</sup>need cite

<sup>371</sup>Statement by David Kay on the Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, the House Committee on Appropriations, Subcommittee on Defense, and the Senate Select Committee on Intelligence (Oct. 2, 2003). **FORM**

<sup>372</sup>*Id.*

<sup>373</sup>*This Week with George Stephanopoulos* (ABC television broadcast, Oct. 5, 2003).

<sup>374</sup>S. REP. NO. 108-301, at 129 (2004).

<sup>375</sup>Letter from Dr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency, to Kofi A. Annan, U.N. Secretary General (Apr. 7, 1999), *available at* [http://www.iaea.org/OurWork/SV/Invo/reports/s\\_1999\\_393.pdf](http://www.iaea.org/OurWork/SV/Invo/reports/s_1999_393.pdf).

<sup>376</sup>IAEA Director General Dr. Mohamed ElBaradei, *The Status of Nuclear Inspections in Iraq: An Update*, March 7, 2003, *available at* <http://www.iaea.org/NewsCenter/Statements/2003/ebsp2003n006.shtml>

<sup>377</sup>Micheal Isikoff & Mark Hosenball, *From Downing Street to Capital Hill*, NEWSWEEK, June 17, 2005, *available at* <http://www.msnbc.msn.com/id/8234762/site/newsweek/>.

<sup>378</sup>CENTRAL INTELLIGENCE AGENCY, UNCLASSIFIED REPORT TO CONGRESS ON THE ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS, 1 JANUARY THROUGH 30 JUNE 2001 (2001), *available at* [http://www.nti.org/e\\_research/official\\_docs/cia/11-63001CIA.pdf](http://www.nti.org/e_research/official_docs/cia/11-63001CIA.pdf). The review said only,



“We believe that Iraq has probably continued at least low-level theoretical R&D associated with its nuclear program. A sufficient source of fissile material remains Iraq’s most significant obstacle to being able to produce a nuclear weapon.”

<sup>379</sup>S. REP. NO. 108-301, at 85.

<sup>380</sup>NATIONAL INTELLIGENCE COUNCIL, IRAQ’S CONTINUING PROGRAM FOR WEAPONS OF MASS DESTRUCTION: KEY JUDGMENTS (FROM OCTOBER 2002 NIE) (declassified July 18, 2003).

<sup>381</sup>*Id.* (Emphasis added)

<sup>382</sup>\*Cite December 2001 NIE

<sup>383</sup>John B. Judis & Spencer Ackerman, *The First Casualty*, THE NEW REPUBLIC, June 30, 2003, at 17.

<sup>384</sup>Barton Gellman and Walter Pincus, *Depiction of Threat Outgrew Supporting Evidence*, WASH. POST, August 10, 2003 at A1.

<sup>385</sup>*Id.*

<sup>386</sup>[schwartz] \*can’t find

<sup>387</sup>“The Implementation of United Nations Security Council Resolutions 687, 707 and 715 (1991) Relating to Iraq.” 4 Sep 1995. International Atomic Energy Agency.  
<<http://www.iaea.org/About/Policy/GC/GC39/Resolutions/gc3910a1.html>>.

<sup>388</sup>Barton Gellman and Walter Pincus, *Depiction of Threat Outgrew Supporting Evidence*, WASH. POST, August 10, 2003 at A1.

<sup>389</sup>David Barstow, William J. Broad, and Jeff Gerth, *How White House Embraced Suspect Iraq Arms Intelligence*, N.Y. TIMES, Oct. 3, 2004, at 1.

<sup>390</sup>Barton Gellman and Walter Pincus, *Depiction of Threat Outgrew Supporting Evidence*, WASH. POST, August 10, 2003 at A1.

<sup>391</sup>Barton Gellman and Walter Pincus, *Depiction of Threat Outgrew Supporting Evidence*, WASH. POST, August 10, 2003 at A1.

<sup>392</sup>S. REP. NO. 108-301, at 85, 112.

<sup>393</sup>

<sup>394</sup>*Meet the Press* (NBC television broadcast, Sept. 8, 2002).

<sup>395</sup>

<sup>396</sup> Secretary of State Colin Powell, Remarks to the U.N. Security Council (Feb. 5, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/02/20030205-1.html>.

<sup>397</sup> In his January 2003 State of the Union Address, the President stated that Saddam Hussein was trying



to buy tubes “suitable for nuclear weapons production.” See President George W. Bush, State of the Union (Jan. 28, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/01/20030128-19.html>.

<sup>398</sup> Dr. Mohamed ElBaradei, Remarks to the U.N. Security Council on the Status of Nuclear Inspections in Iraq (Jan. 23, 2003), *available at* <http://www.iaea.org/NewsCenter/Statements/2003/ebsp2003n003.shtml>.

<sup>399</sup>

<sup>400</sup> Senate Intell at 131.

<sup>401</sup> See Barstow, et al., *supra*. The analyst was named “Joe.” As *The New York Times* reported, “Suddenly, Joe’s work was ending up in classified intelligence reports being read in the White House. Indeed, his analysis was the primary basis for one of the agency’s first reports on the tubes, which went to senior members of the Bush administration on April 10, 2001. The tubes, the report asserted, ‘have little use other than for a uranium enrichment program.’ This alarming assessment was immediately challenged by the Energy Department, which builds centrifuges and runs the government’s nuclear weapons complex.”

<sup>402</sup>

<sup>403</sup> [try to get original cite to senate intel report]

<sup>404</sup>

<sup>405</sup> *Id.*

<sup>406</sup> [try to get original cite to senate intel report]. “Back in 1996, inspectors from the International Atomic Energy Agency had even examined some of these tubes, also made of 7075-T6 aluminum, at a military complex, the Nasser metal fabrication plant in Baghdad, where the Iraqis acknowledged making rockets. According to the international agency, the rocket tubes, some 66,000 of them, were 900 millimeters in length, with a diameter of 81 millimeters and walls 3.3 millimeters thick.” *Burrough.*

<sup>407</sup>

<sup>408</sup> At the Energy Department, those examining the tubes included scientists who had spent decades designing and working on centrifuges and intelligence officers steeped in the tricky business of tracking the nuclear ambitions of America’s enemies. They included Dr. Jon A. Kreykes, head of Oak Ridge’s national security advanced technology group; Dr. Duane F. Starr, an expert on nuclear proliferation threats; and Dr. Edward Von Halle, a retired Oak Ridge nuclear expert. Dr. Houston G. Wood III, a professor of engineering at the University of Virginia, who had helped design the 40-foot American centrifuge, advised the team and consulted with Dr. Zippe. On questions about nuclear centrifuges, this was unambiguously the A-Team of the intelligence community, many experts say. *Id.*

<sup>409</sup> [try to get original cite to senate intel report] (emphasis added)

<sup>410</sup> [cite in Schwarz document]





<sup>411</sup> S. REP. NO. 108-301, at 85.

<sup>412</sup> *Id.* at 112.

<sup>413</sup> NATIONAL INTELLIGENCE COUNCIL, IRAQ'S CONTINUING PROGRAM FOR WEAPONS OF MASS DESTRUCTION: KEY JUDGEMENTS (FROM OCTOBER 2002 NIE) (declassified July 18, 2003).

<sup>414</sup> NATIONAL INTELLIGENCE COUNCIL, IRAQ'S CONTINUING PROGRAM FOR WEAPONS OF MASS DESTRUCTION: KEY JUDGEMENTS (FROM OCTOBER 2002 NIE) (declassified July 18, 2003).

<sup>415</sup> *Id.* Greg Thielman, the Director of Strategic, Proliferation and Military affairs in the State Department's Bureau of Intelligence and Research stated the following on the CNN documentary *Dead Wrong*:

DAVID ENSOR [CNN Correspondent]: The three feet by three inch tubes are the only piece of physical evidence that might suggest a bomb building program.

THIELMANN: We were really agnostic at the beginning of it but we listened to the experts and more and more evidence came in that told us, no, this can't be true.

*CNN Presents: Dead Wrong, supra.* (Emphasis added)

<sup>416</sup> Barstow, et al., *supra*.

<sup>417</sup> S. REP. NO. 108-301, at 85.

<sup>418</sup> Barstow, et al., *supra*. (Emphasis added)

<sup>419</sup> INSTITUTE FOR SCIENCE AND INTERNATIONAL SECURITY, ALUMINUM TUBING IS AN INDICATOR OF AN IRAQI GAS CENTRIFUGE PROGRAM: BUT IS THE TUBING SPECIFICALLY FOR CENTRIFUGES (2002), *available at* <http://www.isis-online.org/publications/iraq/aluminumtubes.html>.

<sup>420</sup> Ackerman & Judis, *supra*, at 17.

<sup>421</sup> Barstow, et al., *supra*.

<sup>422</sup> Barton Gellman & Walter Pincus, *Depiction of Threat Outgrew Supporting Evidence*, WASH. POST, Aug. 10, 2003, at A01.

<sup>423</sup> Barstow, et al., *supra*.

<sup>424</sup> See WMD Report—Check Schwartz for source—

<sup>425</sup> See WMD Report—Check Schwartz for source—

<sup>426</sup> See WMD Report—Check Schwartz for source—

<sup>427</sup> See WMD Report—Check Schwartz for source—

<sup>428</sup> See WMD Report—Check Schwartz for source—



429

<sup>430</sup> The First Casualty. (Emphasis added). In addition, a Senior Administration official has acknowledged, “[Condoleezza Rice] was aware of the differences of opinion.” “Skewed Intelligence Data in March to War in Iraq”

<sup>431</sup> Ackerman & Judis, *supra*, at 17.

<sup>432</sup> Borger, *supra*.

<sup>433</sup> Barstow, et al., *supra*.

434

<sup>435</sup> Michael R. Gordon & Judith Miller, *U.S. Says Hussein Intensifies Quest for A-Bomb Parts*, N.Y. TIMES, Sept. 8, 2002.

<sup>436</sup> Michael R. Gordon & Judith Miller, *U.S. Says Hussein Intensifies Quest for A-Bomb Parts*, N.Y. TIMES, Sept. 8, 2002.

<sup>437</sup> Burrough et al., *supra*.

<sup>438</sup> *CNN Presents: Dead Wrong, supra*. Other intelligence officials complained about the selective leaking of information associated with the aluminum tubes debate. David Albright of the Institute for Science and International Security noted, “I became dismayed when a knowledgeable government scientist told me that the administration could say anything it wanted about the tubes while government scientists who disagreed were expected to remain quiet.”(The First Casualty)

<sup>439</sup> Bill Gertz, *Iraq Seeks Steel for Nukes*, WASH. TIMES, July 29, 2002.

<sup>440</sup> Interview with Condoleezza Rice, *CNN Late Edition* (CNN television broadcast, Sept. 8, 2002).

<sup>441</sup> Interview with Vice President Dick Cheney, *Meet the Press* (NBC television broadcast, Sept. 8, 2002).

<sup>442</sup> Interview with Donald Rumsfeld, *Face the Nation* (CBS television broadcast, Sept. 8, 2002).

<sup>443</sup> *The Miami Herald*, CIA leak illustrates selective use of intelligence on Iraq (The Aluminum Tubes), by Jonathan S. Landay, Knight Ridder Newspapers.

<sup>444</sup> *CNN Presents: Dead Wrong, supra*.

<sup>445</sup> Judith Miller and Michael R. Gordon, *White House Lists Iraq Steps to Build Banned Weapons*, N.Y. TIMES, Sept. 13, 2002, at A13.

<sup>446</sup> *Id.*

<sup>447</sup> Judith Miller and Michael R. Gordon, *White House Lists Iraq Steps to Build Banned Weapons*, N.Y. TIMES, Sept. 13, 2002, at A13.



<sup>448</sup> See Barstow et al., *supra*.

<sup>449</sup>19. Sham Dunk: Cooking Intelligence for the President Ray McGovern  
<http://www.afterdowningstreet.org/downloads/mcgovern.pdf> (emphasis added)

<sup>450</sup>[cite]

<sup>451</sup>

<sup>452</sup>Francis T. Mandanici, “Bush’s Uranium Lies: The Case for a Special Prosecutor That Could Lead to Impeachment”, Wednesday, June 29, 2005. (<http://democracyrising.us/content/view/269/164/>)

<sup>453</sup>

<sup>454</sup>Rice, Why We Know Iraq is Lying, The New York Times, Op-ed, January 23, 2003.

<sup>455</sup>Francis T. Mandanici, “Bush’s Uranium Lies: The Case for a Special Prosecutor That Could Lead to Impeachment”, Wednesday, June 29, 2005. (<http://democracyrising.us/content/view/269/164/>)

<sup>456</sup> *Hearing on U.S. Policy on Iraq: Before the U.S. Senate Comm. on Armed Services*, 107th Cong., 2d Sess. (statement of Secretary Rumsfeld).

<sup>457</sup> President Bush Discusses Iraq with Congressional Leaders (Sept. 26, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/09/20020926-7.html>

<sup>458</sup>IAEA Director General Dr. Mohamed ElBaradei, Statement to the United Nations Security Council (Mar. 7, 2003), *available at* <http://www.iaea.org/NewsCenter/Statements/2003/ebsp2003n006.shtml>.

<sup>459</sup>Press Secretary Ari Fleischer, White House Press Briefing (July 7, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/07/20030707-5.html>.

<sup>460</sup>Press Secretary Ari Fleischer, White House Press Briefing (July 14, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/07/20030707-5.html>.

<sup>461</sup>Seymour Hersh, *Annals of National Security: Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 77. “SISMI” delivered to the CIA a report describing a visit by Wissam al-Zahawie, the then Iraqi Ambassador to the Vatican, to Niger in February 1999. The report apparently suggested that the purpose of his visit was to provide nuclear uranium and that the Niger President had allegedly given his stamp of approval for the agreement. At the original time of the visit, both the American Ambassador and British Intelligence filed standard reports certifying the visits, but did not raise any concerns. *Id.* at \_\_\_\_.

<sup>462</sup>Elaine Sciolino & Elisabetta Povoledo, *Italy’s Top Spy Names Freelance Agent as Source of Forged Niger-Iraq Uranium Documents*, N.Y. TIMES, Nov. 4, 2005, at A24.

<sup>463</sup>*Id.*

<sup>464</sup>(Emphasis added)

<sup>465</sup>Seymour Hersh, *Annals of National Security: Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 77.



<sup>466</sup>S. REP. NO. 108-301, at 57 (2004). Elisabetta Burba, a reporter for *Panorama*, an Italian magazine, was offered photocopies of 22 pages of additional documents describing purported sales of uranium from Niger to Iraq for approximately \$10,000. Her editor asked her to turn the documents over to the American Embassy, which she did.

<sup>467</sup>Seymour Hersh, *Annals of National Security: Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 77.

<sup>468</sup>?

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<sup>470</sup>Walter Pincus, *PreWar Findings Worried Analysts*, WASH. POST, May 22, 2005, at A1.

<sup>471</sup>S. REP. NO. 108-301, at 56 (2004).

<sup>472</sup>STAFF OF SENATE SELECT COMM. ON INTELLIGENCE, 108TH CONG., REPORT ON THE U.S. INTELLIGENCE COMMITTEE'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ (July 7, 2004), at 44-5. On February 19, 2002, one in a series of meetings was held at CIA headquarters pursuant to the Vice President's request. Attendees included WMD intelligence analysts from the CIA and the State Department as well as former Ambassador Joseph Wilson. *Id.* at 40. At the beginning of the meeting, Ambassador Wilson's wife, Valerie Plame Wilson, introduced her husband and left after three minutes. *Id.* The purpose was to evaluate whether Ambassador Wilson should be sent to Niger to determine the veracity of the claim that Iraq sought yellowcake from that country. Ambassador Wilson is considered an expert on Africa, has served as U.S. Ambassador to Gabon, was stationed in Niger, was familiar with the uranium trade, and had served in the administrations of President George H.W. Bush and President Bill Clinton. In addition, Ambassador Wilson had previously traveled to Niger on the CIA's behalf. *Id.* at 39. The next day, the CIA asked the Ambassador to undertake the Niger mission, and he subsequently departed on February 21, 2002. *Id.* at 41.

<sup>473</sup>Seymour Hersh, *Annals of National Security: Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 77.

<sup>474</sup>Bryan Burrough, Evgenia Peretz, David Rose, & David Wise, *The Path to War*, VANITY FAIR, May 1, 2004, at 228.

<sup>475</sup>Seymour Hersh, *Annals of National Security: Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 77. Others who scrutinized them were easily able to ascertain that they were fraudulent. For example, a week after she received the documents, Ms. Burba visited Niger, and after speaking to relevant businessmen and informed officials, she found no evidence of any uranium sale. She also quickly learned that the transportation company and bank described in the document were not large enough or otherwise capable of handling the uranium sales. "She visited mines and the ports that any exports would pass through, spoke to European businessmen and officials informed about Niger's uranium industry, and found no trace of a sale. She also learned that the transport company and the bank mentioned in the papers were too small and too ill-equipped to handle such a transaction." CITE?

<sup>476</sup> *16 Words*, THE NEW REPUBLIC, July 28, 2003, at 8.

<sup>477</sup> A former senior CIA official acknowledged there was no supporting evidence or a substantiation of the claim: "I can fully believe that SISMI would put out a piece of intelligence like that . . . but why anybody would put credibility in it is beyond me." *Id.* (Hersh).



<sup>478</sup>S. REP. NO. 108-301, at 56 (2004). (Emphasis added)

<sup>479</sup>*Id.* at 56-7. (Emphasis added).

<sup>480</sup>Joseph Cirincione, *Niger Uranium: Still a False Claim*, Proliferation Brief, Vol. 7, No. 12, CARNEGIE ENDOWMENT PUBLICATIONS (Aug. 28, 2004), *available at* <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=1595&proj=znpp>.

<sup>481</sup>SR 51

<sup>482</sup>SR 51. (Francis T. Mandanici, “Bush’s Uranium Lies: The Case for a Special Prosecutor That Could Lead to Impeachment”, Wednesday, 29 June 2005; <http://democracyrising.us/content/view/269/164>)

<sup>483</sup>*Democratic Hearing on Downing Street Minutes*, Before the H. Comm. on the Judiciary, (2005) (testimony of Ambassador Joseph Wilson).

<sup>484</sup>See John J. Lumpkin, *CIA Had Doubted Claims, Later Found to be Based on Forged Documents, that Iraq Tried to Import Uranium*, AP, June 12, 2003; Kamal Ahmed, *Blair Ignored CIA Weapons Warnings*, THE OBSERVER, July 13, 2003, Mitch Frank, *Tale of the Cake*, TIME, July 21, 2003, at 24. The Guardian in London the following month cites a series of letters to the British Foreign Affairs Committee which show that the US had asked Britain not to use the Africa-uranium claim, but did not provide details about Wilson’s mission to Niger.

<sup>485</sup>

<sup>486</sup>S. REP. NO. 108-301, at 36 (2004).

<sup>487</sup>See *Id.* at 239-56.

<sup>488</sup>*Id.* at 53.

<sup>489</sup>S. REP. NO. 108-301, at 62 (2004).

<sup>490</sup>Tom Hamburger, Peter Wallsten and Bob Drogin, *French Told CIA of Bogus Intelligence*, L.A. TIMES, Dec. 11, 2005.

<sup>491</sup>Tom Hamburger, Peter Wallsten and Bob Drogin, *French Told CIA of Bogus Intelligence*, L.A. TIMES, Dec. 11, 2005.

<sup>492</sup>Tom Hamburger, Peter Wallsten and Bob Drogin, *French Told CIA of Bogus Intelligence*, L.A. TIMES, Dec. 11, 2005.

<sup>493</sup>Francis T. Mandanici, “Bush’s Uranium Lies: The Case for a Special Prosecutor That Could Lead to Impeachment”, Wednesday, 29 June 2005; *available at* <http://democracyrising.us/content/view/269/164/> However, even the Administration’s own explanation does not make complete sense. One observer has explained the stated reason for the switch from “we” to the British was the desire to identify in the speech a source for the uranium claim that was not classified, and the British White Paper source was not classified while the American source was classified. However, the original draft that the White House sent apparently did not name any source for America’s knowledge but merely said “we.” There was no need to further identify any





sources. Concerning other claims against Hussein, President Bush in his speech actually used the phrase “intelligence sources” without providing any specifics on the sources.

<sup>494</sup> *Id.*

<sup>495</sup> Francis T. Mandanici, “Bush’s Uranium Lies: The Case for a Special Prosecutor That Could Lead to Impeachment”, Wednesday, 29 June 2005; available at <http://democracyrising.us/content/view/269/164/>

<sup>496</sup> Seymour M. Hersh, *Annals of National Security: The Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at \_\_\_\_\_. (Emphasis added) The pressure to confirm the Iraq-Niger uranium link was felt within the CIA as high up as Director George Tenet. It appears that many within the CIA believed Tenet only grudgingly supported including a reference to the Niger threat in the January 30<sup>t</sup>, 2002 report to Congress because of his concern that he would be fired if he did not support the Administration. Based on his discussion with CIA analysts, Seymour Hersh has explained:

The CIA assessment reflected both deep divisions within the agency and the position of its director, George Tenet, which was far from secure. (The agency had been sharply criticized, after all, for failing to provide any effective warning of the September 11th attacks.) In the view of many CIA analysts and operatives, the director was too eager to endear himself to the Administration hawks and improve his standing with the President and the Vice-President.

<sup>497</sup> On that date the American government gave the IAEA copies of documents that supposedly supported the claim that Iraq attempted to acquire the uranium. Francis T. Mandanici, “Bush’s Uranium Lies: The Case for a Special Prosecutor That Could Lead to Impeachment”, Wednesday, 29 June 2005; <http://democracyrising.us/content/view/269/164/>)

<sup>498</sup>

<sup>499</sup> Mohamed El Baradei, Remarks to the U.N. Security Council on the Status of Nuclear Inspections in Iraq (Mar. 7, 2003), *available at* <http://www.iaea.org/NewsCenter/Statements/2003/ebsp2003n006.shtml>.

<sup>500</sup> John B. Judis & Spencer Ackerman, *The First Casualty*, THE NEW REPUBLIC, June 30, 2003, at \_\_\_\_.

<sup>501</sup> *Id.* John Pike, director of the Washington military watchdog Globalsecurity.org. says the Administration’s line on the Niger documents raises questions. “The thing that was so embarrassing about the episode was not simply that the documents were forgeries, but that they were clumsy forgeries, as was so quickly determined by the IAEA . . . It is one thing to be taken in, but to be so easily taken in, suggested either bewildering incompetence or intentional deception, or possibly both.” CITE?

<sup>502</sup> S. REP. NO. 108-301, at 426 (2004).

<sup>503</sup> President George W. Bush, Remarks on Iraq (Oct. 7, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/10/20021007-8.html>.

<sup>504</sup> President George W. Bush, State of the Union Address (Jan. 29, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>.



<sup>505</sup>The President, President Bush Discusses Iraq with Congressional Leaders (Sept. 26, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/09/20020926-7.html>.

<sup>506</sup>from pg 16 of waxman

<sup>507</sup>James Bamford, *The Man Who Sold the War*, ROLLING STONE (Nov. 17, 2005), *available at* [http://www.rollingstone.com/politics/story/\\_/id/8798997?rnd=1133991290515&has-player=true&version=6.0.12.1348](http://www.rollingstone.com/politics/story/_/id/8798997?rnd=1133991290515&has-player=true&version=6.0.12.1348).

<sup>508</sup>Secretary of State Colin Powell, Address to the United Nations Security Council (Feb. 5, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/02/20030205-1.html>.

<sup>509</sup>*Id.*

<sup>510</sup>President George W. Bush, State of the Union Address (Jan. 29, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>.

<sup>511</sup>President George W. Bush, President's Radio Address (Feb. 8, 2003) *available at* <http://www.whitehouse.gov/news/releases/2003/02/20030208.html>.

<sup>512</sup>Secretary of State Colin Powell, Address to the United Nations Security Council (Feb. 5, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/02/20030205-1.html>.

The pre-war unclassified white paper prepared by the CIA and presented to the public as the case for war stated that, according to "most analysts," Iraq was developing an unmanned aerial vehicle or missile that was "probably intended to deliver biological warfare agents" and could even threaten the "U.S. homeland." (Cite to CIA October 2002 White Paper)

<sup>513</sup>*Id.*

<sup>514</sup>President George W. Bush, Remarks on Iraq (October 7, 2002), *available at* <http://www.whitehouse.gov/news/releases/2002/10/20021007-8.html>.

<sup>515</sup>Statement by David Kay on the Interim Progress Report on the Activities of the Iraq Survey Group (ISG) before the House Permanent Select Committee on Intelligence, the House Committee on Appropriations, Subcommittee on Defense, and the Senate Select Committee on Intelligence (Oct. 2, 2003).

<sup>516</sup>James Bamford, *The Man Who Sold the War*, ROLLING STONE (Nov. 17, 2005), *available at* [http://www.rollingstone.com/politics/story/\\_/id/8798997?rnd=1133991290515&has-player=true&version=6.0.12.1348](http://www.rollingstone.com/politics/story/_/id/8798997?rnd=1133991290515&has-player=true&version=6.0.12.1348).

<sup>517</sup>Dr. Hans Blix, Oral introduction of the 12th quarterly report of UNMOVIC to the U.N. Security Council (March 7, 2003), *available at* <http://www.un.org/Depts/unmovic/SC7asdelivered.htm>.

<sup>518</sup>Bob Drogin and John Goetz, *How U.S. Fell Under the Spell of 'Curveball'*, L.A. TIMES, Nov. 20, 2005, at A1.

<sup>519</sup>*Id.*

<sup>520</sup>*Testimony on Efforts to Determine the Status of Iraqi Weapons of Mass Destruction and Related*



*Programs: Hearing Before the S. Comm. on Armed Services*, 108th. Cong., 2d Sess. (2004) (Testimony of David Kay).

<sup>521</sup>[need to track down Post or UN cite later]

<sup>522</sup>Waxman Report at 15

<sup>523</sup> UNSCOM/IAEA, NOTE FOR THE FILE 13 (1995), *available at* <http://www.un.org/Depts/unmovic/new/documents/hk.pdf>. In an interview with CNN, Kamel was asked "Can you state, here and now, does Iraq have any weapons of mass destruction left?" Kamel replied: "No. Iraq does not possess any weapons of mass destruction." *Saddam Hussein's son-in-law says torture common in Iraq*, CNN.COM, Sept. 21, 1995, *available at* [http://www.cnn.com/WORLD/9509/iraq\\_defector/](http://www.cnn.com/WORLD/9509/iraq_defector/).

<sup>524</sup>CENTRAL INTELLIGENCE AGENCY, COMMENTS ON IRAQI WEAPONS OF MASS DESTRUCTION (1995).

<sup>525</sup>While the CIA did not comment on the *Newsweek* story initially, it eventually did so in a follow-up story by Reuters. Then-CIA spokesman Bill Harlow denied the *Newsweek* story was accurate, directly contradicting all publicly available information:

The CIA on Monday denied a *Newsweek* magazine report that Saddam Hussein's son-in-law told the U.S. intelligence agency in 1995 that Iraq after the Gulf War destroyed all its chemical and biological weapons and missiles to deliver them.

"It is incorrect, bogus, wrong, untrue," CIA spokesman Bill Harlow said of the *Newsweek* report's allegations that Hussein Kamel told the CIA that Iraqi President Saddam Hussein had destroyed all of his weapons of mass destruction.  
*U.S., Britain Deny Newsweek Defector Report*, REUTERS, Feb. 24, 2003.

<sup>526</sup>U.S. SENATE SELECT COMM. ON INTELLIGENCE, 108TH CONG., REPORT ON THE U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ 424 (2004) ("WEAK. Missiles with biological warheads reportedly dispersed. This would be somewhat true in terms of short-range missiles with conventional warheads, but is questionable in terms of longer-range missiles or biological warheads.").

<sup>527</sup>Secretary of State Colin Powell, Remarks to the U.N. Security Council (Feb. 5, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/02/20030205-1.html>.

<sup>528</sup>U.S. SENATE SELECT COMM. ON INTELLIGENCE, 108TH CONG., REPORT ON THE U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ 424 (2004) ("WEAK. Missiles with biological warheads reportedly dispersed. This would be somewhat true in terms of short-range missiles with conventional warheads, but is questionable in terms of longer-range missiles or biological warheads.").

<sup>529</sup>Secretary of State Colin Powell, Remarks to the U.N. Security Council (Feb. 5, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/02/20030205-1.html>.

<sup>530</sup> S. REP. NO. 108-301, at 424 (2004).

<sup>531</sup>Secretary of State Colin Powell, Remarks to the U.N. Security Council (Feb. 5, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/02/20030205-1.html>.



<sup>532</sup> S. REP. NO. 108-301, at 426 (2004).

<sup>533</sup> James Bamford, *The Man Who Sold The War*, ROLLING STONE, Nov. 17, 2005, at \_\_\_\_.

<sup>534</sup> \*cite bamford again\*

<sup>535</sup> Bob Drogin and John Goetz, *How U.S. Fell Under the Spell of 'Curveball'*, L.A. TIMES, Nov. 20, 2005, at A1.

<sup>536</sup> *Id.*

<sup>537</sup> Bob Drogin & John Goetz, *How U.S. Fell Under the Spell of 'Curveball,'* L.A. TIMES, Nov. 20, 2005.

<sup>538</sup> *Id.*

<sup>539</sup> *Id.*

<sup>540</sup> THE COMMISSION ON THE INTELLIGENCE CAPABILITIES OF THE UNITED STATES REGARDING WEAPONS OF MASS DESTRUCTION, REPORT TO THE PRESIDENT OF THE UNITED STATES 102 (2005).

<sup>541</sup> *Id.*

<sup>542</sup> UNITED STATES SELECT COMMITTEE ON INTELLIGENCE, REPORT ON THE U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ 248 (2004).

<sup>543</sup> *Id.* at 249. (Emphasis added.)

<sup>544</sup> *Id.* at 247. (Emphasis added.)

<sup>545</sup> *Id.* at 248. (Emphasis added.)

<sup>546</sup> Secretary of State Colin Powell, Remarks to the U.N. Security Council (Feb. 5, 2003).

<sup>547</sup> *Id.*

<sup>548</sup> *The Los Angeles Times* recently reported "of the three sources the CIA said had corroborated Curveball's story, two had ties to Chalabi. All three turned out to be frauds, the most important, a former major in the Iraqi intelligence services, was deemed a liar by the CIA and DIA. In May 2002, a fabricator warning was posted in U.S. intelligence databases." Bob Drogin and John Goetz, *How U.S. Fell Under the Spell of 'Curveball'*, L.A. TIMES, Nov. 20, 2005, at A1.

<sup>549</sup> *Id.*

<sup>550</sup> Spencer Ackerman & John B. Judis, *The First Casualty*, THE NEW REPUBLIC, June 30, 2003, at \_\_\_\_.

<sup>551</sup> KEY JUDGMENTS FROM THE NATIONAL INTELLIGENCE ESTIMATE ON IRAQ'S CONTINUING PROGRAMS FOR WEAPONS OF MASS DESTRUCTION (2002).

<sup>552</sup> *Id.*



<sup>553</sup>THE COMMISSION ON THE INTELLIGENCE CAPABILITIES OF THE UNITED STATES REGARDING WEAPONS OF MASS DESTRUCTION, REPORT TO THE PRESIDENT OF THE UNITED STATES 139 (2005).

<sup>554</sup>UNITED STATES SELECT COMMITTEE ON INTELLIGENCE, REPORT ON THE U.S. INTELLIGENCE COMMUNITY'S PREWAR INTELLIGENCE ASSESSMENTS ON IRAQ 230 (2004).

